The Outlook

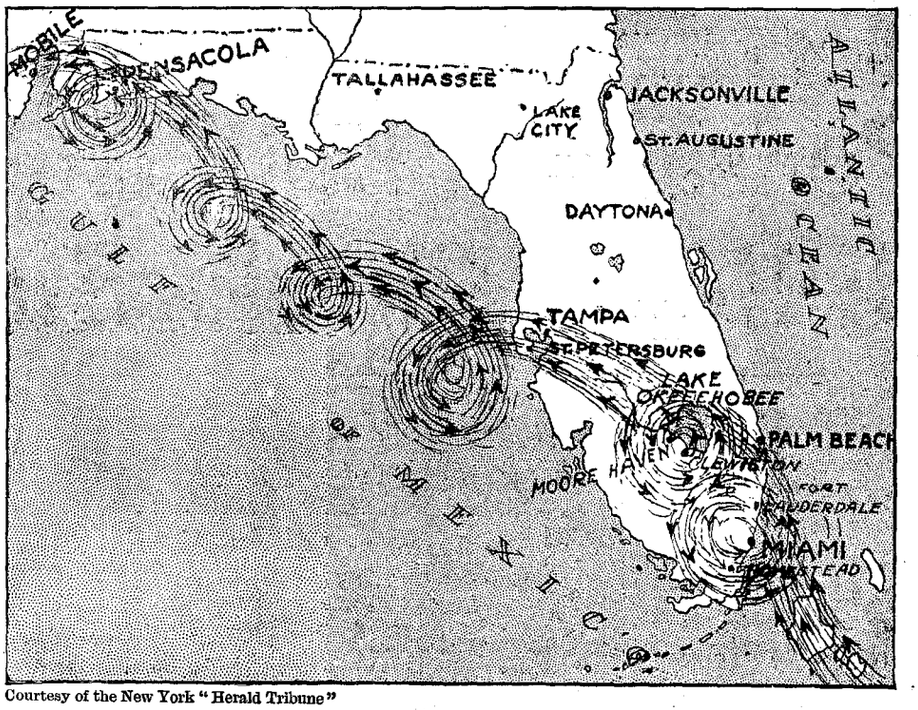
Volume 144 September 29, 1926 Number 5

The Florida Disaster

THE semi-tropical hurricane which wrecked and desolated a wide belt in Florida was one of the same type that twenty-six years ago, and also in September, wrought terrible damage at Galveston. There the loss of life by conservative estimates was 6,000—far in excess of the highest conjectures made for the present disaster. These storms have been described as beginning in the tropical portion of the Atlantic, moving westward and northward into the South Atlantic or Gulf States, then veering to the northeast and disappearing in the Atlantic. Often, however, they dissipate before they reach our coast; on the other hand they may sometimes, if violent enough, push farther westward, lose their force, and never return to the Atlantic. "Hurricanes," says a statement just issued by the National Geographic Society, "are the creatures of atmospheric temperature and pressure, and variations in these in turn are caused by the sun beating down on the expanses of Atlantic water and the land mass of our continent."

The hurricane that struck the Florida coast on Sunday, September 19, originated somewhere north of Porto Rico, moved northwest past the Bahamas (how much damage it did there is not known as we write), struck Florida in a belt of over 100 miles running from Miami to West Palm Beach, drove northwest, reaching the Gulf coast between Fort Myers and Tampa, then passed, still moving northwest, over the Gulf, and turned northward to Pensacola and Mobile. What damage was done to these two cities was unknown on Tuesday morning. The destruction of telegraph wires and railway bridges and the wrecking of highways for a time cut them off from the country as completely as they were before the railway and telegraph were established.

Miami and its outlying resorts such as Hollywood and Miami Beach were hard hit, and these and other places will need, and will have, relief from the country at large. President Coolidge has issued a proclamation urgently appealing for generous contributions to aid the sufferers from this "overwhelming disaster." He designates the American National Red Cross and its local chapters as the most effective channels for relief.



Courtesy of the New York "Herald Tribune"

The Course of the Hurricane

Even three days after the calamity it is impossible to give any estimates of loss of life at all accurate. It is inevitable that in the confusion of such widespread injury in many places and in the temporary paralysis of ordinary news facilities, both city and country, enumeration of deaths and injuries should be slow and guesses should be in excess of probabilities. Such, it is hoped, were the early statements which put the dead at 1,500 or 2,000. On Tuesday, September 21, the known dead were said by the Associated Press to be 328, with 4,000 injured and 40 missing. These figures are likely to be increased as the search goes on, and they do not include the damage that may have been done in Pensacola or Mobile. As we write relief is being pushed into the stricken region by train, motor trucks, and airplanes. The destitution and suffering of thousands not personally injured is a large and pitiful element. Troops and Red Cross contingents were at work in Miami and Hollywood twenty-four hours after the disaster.

The damage to buildings was enormous. From laborers' shacks to palatial hotels, in cities, villages, and the open country, hundreds were destroyed, twisted, or uncovered.

Not since the San Francisco earthquake and fire of 1906 and the Galveston disaster of 1900 have the people of America been so aroused by the call from their own country for human sympathy. Their response will surely be as prompt and generous as in the past.

The Winter of the Farmer's Discontent

THE American farmer, with the money for his 1926 crops in pocket or in prospect, began making his fall purchases with eighty-five-cent dollars. The general turn of prices during late summer was against the farmer, and the index of his purchasing power, with relation to that of non-agricultural commodities, dropped slightly. The farmer's dollar has not been at par with the dollar of other producers since the slump

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following the war, but it had climbed back part way toward pre-war equality. It is to be hoped that the recent decline is temporary. The situation, however, is influenced by so many things as to make prediction unusually hazardous. Relative purchasing power is computed by Federal economists and statisticians, who use the average of prices for the five-year period 1909–13 as 100. Other economists may possibly question the propriety of using the prices of this period as the basis, but it was a period of fair prosperity generally distributed.

The crop situation does not, on the surface, indicate that the purchasing power of the farmer is likely to increase during the next few months. In general, acreages were rather large and yield per acre relatively small. There are exceptions, of course, both ways. The winter-wheat belt, which comprises the more southerly wheat-growing areas, had the highest yield per acre since 1914 and is enjoying what it regards as a season of prosperity. The spring-wheat belt, on the other hand, had disappointing crops, and, of course, the winter of its discontent continues. It is mainly in this more northerly belt that wheat becomes practically the sole reliance of the farmer.

Next year the situation in regard to prosperity in the two wheat belts may be reversed. The winter-wheat belt, under the stimulus of this year's profitable crop, is preparing to increase its wheat acreage. Missouri expects to sow sixty per cent more wheat this fall than last, Illinois thirty-four per cent more, the other States from forty-six to four per cent more. The actual increase in acreage will probably not keep pace with intentions, but a somewhat larger acreage of winter wheat is practically certain. Whether the poor crop in the spring-wheat belt will bring about a corresponding reduction is highly questionable. The farmer of the spring-wheat belt is almost exclusively a wheat grower, and the sowing of wheat until either the seed or the land gives out is a habit that he has not thus far been able to break.

The cotton belt again has a relatively large acreage in low condition, and the corn crop, according to the latest figures of the United States Department of Agriculture, will be below the average "even though frost holds off till late."

Neither nature nor the price trend has done much toward quieting the discontent of the farmer. We may expect the usual, or even greater, agitation for relief by legislation at the approaching session of Congress.

The Last of the Primaries

THE 1926 primary season is over. It ended with balloting in nine States on September 14. In no one of the States are the results of particularly large significance in a Nation-wide sense. Perhaps the outcome in Maryland is the most significant in that it has the effect of retiring to private life Representative John Philip Hill, the most vociferous of the wets in the lower house of Congress. Hill sought the Republican nomination for United States Senator in opposition to Senator O. E. Weller and lost by a narrow margin. Senator Weller is counted a wet, but he does not belong to the wringing-wet group. Maryland is among the wettest of the States and avowedly dry candidates have small chance of election. Senator Weller is facing a hard fight in the general election. His Democratic opponent is Representative Millard Tydings, also a moderate wet.

Some significance attaches also to the results in Colorado, where Senator Rice W. Means was defeated for the Republican nomination by Charles W. Waterman. Senator Means has been regarded as a Klan Senator. Mr. Waterman, former Coolidge campaign manager, was avowedly anti-Klan in the campaign.

The primaries in New York State indirectly turned largely on the wet and dry question, both in the nomination of candidates for Congress and the election of delegates to the party conventions in session this week. Claims of gain were made by wets and drys. One cause of confusion is that there are many dry Republicans in the State who care more for the re-election of Senator Wadsworth, wet though he be, than they do for their dry affiliation. An instance of alleged wet victory was the nomination of Clarke over Tolley for Congress in the Thirty-fourth District; Tolley was dry, but (say the fervid drys) so was Clarke. Yet this is adduced as the outstanding instance of wet victory. The real issue was Wadsworth, and he had a big share of delegates. The prohibition question was mingled in with just plain politics. Neither wets nor drys as such had a sweeping success.

The Democratic run-off primary in South Carolina assures the election for the fourth time of Senator E. D. Smith, who has served with considerable ability and had had, recently, the distinction of heading an important committee in a Republican Senate—that on inter-State commerce. Two other Senators of long service who were renominated are Broussard, of Louisiana, and Jones, of Washington, the former a Democrat, the latter a Republican. Broussard's election is certain, and that of Jones fairly well assured, though the most recent Senatorial contest in Washington resulted in a Democratic victory. Senator Dale in Vermont and Butler in Massachusetts were renominated by the Republicans without opposition. Senator Butler, a close personal and political friend of the President, is opposed by former Senator David I. Walsh in what is expected to be a hard, close contest in which the Democrats will oppose prohibition.

Nothing that has happened in the Republican primaries will appreciably dampen Congress.

A Lesson to Viceroyalty

LORD BYNG will be remembered in Canadian history as the Governor-General to whom the Canadian voters taught a lesson. Rather it was to Governors-General hereafter that they issued their warning. The men who represent royalty in Canada hereafter will probably realize that they must not be more royal than the King.

Though elected for five years, the Dominion Parliament may, under certain circumstances, be dissolved before the expiration of its term. In 1925 Parliament was dissolved and Mr. Mackenzie King, who had been the head of the Liberal administration, was returned with reduced forces. Though he did not have a majority, his Government was sustained with the help of Progressive votes. Then came the customs scandal. Smugglers, running whisky to the United States and bringing back silks and laces and other commodities, bribed customs officials. The Prime Minister replaced his Minister of Customs with a younger man and ordered the Department cleaned up. The Conservatives made the most of the scandal. A Parliamentary inquiry was ordered. The investi-

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Animals that rage

(Much Ado About Nothing, Act IV, Scene 1)

Alley in the Memphis Commercial Appeal

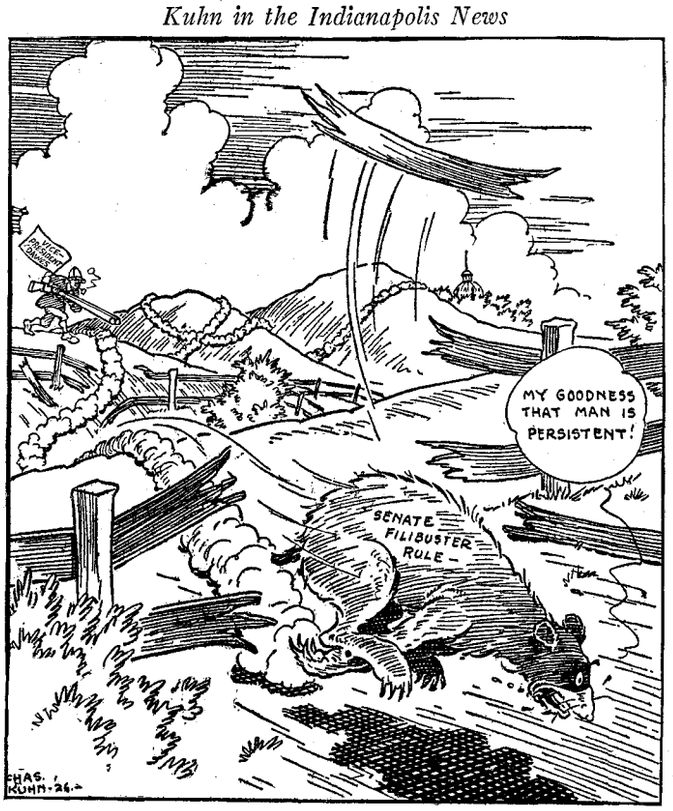
No wonder eggs are scarce with them

From Mrs. W. B. Brooks, Waco, Texas

Knott in the Dallas News

When the tail begins to wag the dog

Kuhn in the Indianapolis News



Still on his trail

From H. Fosdick, Indianapolis, Ind.

Alley in the Memphis Commercial Appeal

Shucks! Hog-calling is no novelty in this country!

From Mrs. W. B. Brooks, Waco, Texas

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gating committee condemned the former Minister of Customs, but not the Government as a whole. The Opposition sought to amend the report so as to censure the Governor. Sub-amendments proposed by friends of the Governor were lost through the defection of Progressives. Then Mr. Mackenzie King, as head of the Government, advised Lord Byng, Governor-General, to dissolve Parliament so that the issue might be submitted to the voters of the country. If this had been the British Parliament sitting in London, and Mr. Mackenzie King the British Prime Minister, and Lord Byng his Majesty the King, the Parliament would have been dissolved. But in the eyes of Lord Byng this was a colonial legislature, and he refused.

At once an important constitutional question was raised in Canada.

In his book "The Government of England" the best authority on the subject, A. Lawrence Lowell, now President of Harvard, has explained the matter of the responsibility of ministers as follows:

> According to the earlier theory of the constitution the ministers were the counselors of the King. It was for them to advise and for him to decide. Now the parts are almost reversed. The King is consulted but the ministers decide. It is commonly said that, with the sovereign, influence has been substituted for power; or as Bagehot put it in his own emphatic way, the Crown has "three rights—the right to be consulted, the right to encourage, the right to warn. And a king of great sense and sagacity would want no others." But after the advice and warning have been given the final decision must remain with the ministers.

Advice to dissolve Parliament is like any other advice given by a responsible ministry. Concerning this Mr. Lowell writes:

> A request, for example, by the ministry to be allowed to dissolve a colonial legislature has on several occasions been refused by the governor, usually on the ground that a general election had recently been held, or that there was no important issue pending between the parties which the people could properly be called upon to decide. In England, on the other hand, such a request by a ministry has never been refused since William Pitt in 1784 invented the principle that a government faced by a hostile majority in the House of Commons may appeal to the electorate instead of resigning; nor is it probable that it will be refused, because the rules of political fair play are so thoroughly understood among English statesmen that the power is not likely to be misused for party purposes.

P. & A. Photos

The End of Sikorsky's Hopes

One week ago The Outlook published a picture of the great three-engined plane built by Igor Sikorsky for a flight from New York to Paris under the captainship of the distinguished French aviator René Fonck, and with Lieutenant Lawrence W. Curtin, of the American Navy, as navigator. The take-off was made at dawn of the morning of September 21. As the plane gathered headway two of its wheels were shaken off. It plunged to the earth and burst into flames. Captain Fonck and Lieutenant Curtin were saved, but in the blazing wreckage Charles Clavier, radio operator, and Jacob Islamoff, mechanic, were trapped. It was a tragic end to the high hopes of the inventor and of the daring aviators

What Mr. Lowell says has been done by a colonial governor on several occasions Lord Byng did. He not only refused the advice of the Prime Minister, but called in his opponent, Mr. Meighen, to form a Government. And only when Mr. Meighen had failed and advised a dissolution did Lord Byng dissolve the Parliament.

Canadian voters have now informed Lord Byng that he is not a colonial governor, for Canada is not a colony. Though they have not given Mr. Mackenzie King a technical majority, they have indorsed him and put him into power. And, what is more, they have left Mr. Meighen himself personally out of Parliament altogether. Hereafter the Governors-General of Canada should know their place.

A Liberal Victory

As a result of the elections in Canada on September 14, W. L. Mackenzie King will have a virtual if not technical majority. Of the 245 members of Parliament, 122 (just one short of a majority) are straight Liberals; but 16 are Liberal-Progressives who ran unopposed by the Liberal Party and with its indorsement. In addition there are 11 straight Progressives, constituting an independent group known as the United Farmers of Alberta, who on most occasions will give Mr. King their support. Besides these there are 5 independents, of whom 3 are Labor members, who will probably be found voting with the Liberals more often than against them. While the 32 members who are neither Liberals nor Conservatives do not always agree with the Liberals, they are diametrically opposed to the Conservatives on practically every question of policy. Consequently 91 will probably constitute the maximum voting strength of the Conservatives as against the regular voting strength of 138 Liberals and Liberal-Progressives, with 32 other votes more or less fluctuating.

The Liberals carried 60 out of the 65 Quebec seats, while on the prairies the Liberals and Progressives made practically a clean sweep, only one Conservative being elected in all that great area that stretches from the Great Lakes to the Rocky Mountains. The eastern Maritime Provinces, historically Liberal, swung away from their ancient alle-

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giance at the elections of 1925, and there the Conservatives still hold 20 out of the 29 seats. At the opposite extremity of the Dominion, British Columbia remains also preponderantly Conservative.

Aside from the constitutional question of the misuse by the Governor-General of the royal prerogative of dissolving Parliament, there were in the campaign three major issues—the customs scandal, the tariff, and prosperity. On the issue of the scandal the Conservatives overplayed their hand. The Liberals were already taking measures to turn their own rascals out, and it is evident that the Canadian voters did not think that the Conservatives would do a better job. On the issue of the tariff, in which the Conservatives long advocated protection, charging the Liberals with a free-trade tendency and accusing them of working for the annexation of Canada to the United States, the Liberals stood on their record, pointing to the reduction in the price of motor cars as a result of the reduction of the tariff without injury to the automobile industry. The Liberals also claimed credit for the general prosperity of the Dominion as a whole. In one respect the Conservatives may have contributed to the Liberal victory by urging the need for "stable government." The voters got stable government by putting, not the Conservatives, but the Liberals into power.

Turbulent Nicaragua

An endeavor to end the civil war in Nicaragua between President Chamorro, who seized power last year, and his opponents is being made by the Administration at Washington.

Our concern in the situation is obvious, since it was considered necessary to send three American war-ships to Nicaraguan ports and to land American Marines at Bluefields to protect American citizens and their property. Lawrence Dennis, American Chargé d'Affaires in Nicaragua, has now been authorized to use his good offices in mediation between the two parties. Admiral Latimer is also reported to have held a conference with the leader of the rebel forces on the east coast. Meanwhile President Coolidge has signed an order placing an embargo on shipments of arms and ammunition to Nicaragua from the United States.

From Mexico and certain of the Central American republics there have been sent to the rebelling forces shipments of munitions, against which Chamorro has complained. The course of our Administration in attempting to restore peace is to be commended. We have consistently withheld recognition from Chamorro since he overthrew an elected Government by violence. We cannot encourage the same methods against him. Our right policy in Central America is clear. It is to foster the establishment and recognition of constitutional governments. To that end it is to be hoped that we can enlist the support of Mexico and of the Central American republics themselves.

Our Interests in Nicaragua

In The Outlook for September 8 appeared editorial comment under the heading "Our Marines in Nicaragua Again" which included the statement: "Nicaragua has an important railway and a bank in which American capital has a considerable stake." In correction of this statement Mr. T. Tijerino, Consul-General of Nicaragua, has submitted the following information, which we are glad to publish:

> In 1912 the Pacific Railway of Nicaragua, which was built and managed by our Government for thirty years, was incorporated in the United States, the entire stock belonging to the Nicaraguan Government. Likewise, the National Bank of Nicaragua was chartered and incorporated. After several negotiations, fifty-one per cent of the stock of both corporations became the property of a group of New York bankers.
>
> In 1920 the Nicaraguan Government and the bankers entered into new contracts, one for the buying back of the bankers' shares in the railway.
>
> In July, 1924, the undersigned, as Financial Agent of Nicaragua, paid the last installment to the bankers, the Republic of Nicaragua was declared free of all obligations to the bankers, and the stock owned by them was transferred to his name as Financial Agent of Nicaragua.
>
> In September of the same year the undersigned also bought and paid in cash for the account of the Nicaraguan Government the fifty-one per cent of the stock of the National Bank of Nicaragua, then controlled by the Central and South American Bank, Mr. R. F. Loree, President.
>
> Therefore, at present, both corporations are owned in their totality by the Nicaraguan Government, and there is not one cent of American capital invested in them.
>
> All loans to Nicaragua in New York have been paid and the Republic is free of her obligations to the bankers in the United States.

In full explanation of the situation it should also be stated that American bankers continue to act as directors of the railway and financial advisers to the bank, and that Nicaraguan railway and bank reserve funds are kept in American banks. This represents the extent of present interest of American capital in these Nicaraguan institutions.

Trying for a New Line-Up in Europe

Briand and Stresemann are making a determined effort to come to a working understanding about the outstanding disputes between France and Germany. The development of their joint policy is the most important thing just now happening in Europe. The entry of Germany into the League of Nations and the ratification of the Locarno treaties of arbitration and security between the Allies and Germany are only the outward signs of a deeper tendency. It has been gaining strength since 1920. Despite setbacks and failures, it has always been revived.

This tendency toward a Franco-German accord despite the age-long animosities of the two peoples against each other has an economic origin. That is the need to reunite the iron resources of Lorraine with the coal-mining and steel-making industries of the Ruhr Valley. The war settlement separated them, justly, giving Alsace and Lorraine back to France. But in doing so it broke up what had been a compactly unified European steel industry, one of the three great units of this industry in the world. The effect was similar to what it would be if some Power were to annex the Superior iron-ore region of the United States, cutting it off from the coal and steel centers of Ohio and Pennsylvania.

Despite post-war hatreds, leading industrialists of both nations have recognized the need of reconstituting the industry. The motive for action has been supplied by the necessity of paying reparations, on Germany's part, and the costs of reconstruction and eventually war debts, on the part of France. It has been strengthened by their common interest in meeting the competition of Great Britain and the United States, possessors of the other two great steel

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International

French Finalists

René Lacoste, victor (right), and Jean Borotra, runner-up

industries of the world. No realistic observer can believe that the present attempt to reach a general agreement between France and Germany is dictated by sentiment. It will succeed if—and only if—the economic facts drive hard enough. And, once established, it would be a hard-headed combination for the service of joint interests which would be of considerable importance to other Powers, including the United States.

In this connection the new organization of the Council of the League of Nations becomes significant. Germany has taken her place with France, Great Britain, Italy, and Japan, as one of the Great Powers holding a permanent Council seat. Poland, Chile, and Rumania have been elected for three-year terms; Holland, China, and Colombia for two-year terms; and Belgium, Czechoslovakia, and Salvador for one-year terms. That gives France the practically sure support of four other nations (Belgium, Czechoslovakia, Poland, and Rumania) and the possible support of three other Latin nations (Chile, Colombia, and Salvador). In League Council deliberations, therefore, the influence of France has been increased at the same time with the admission of Germany. A successful Franco-German working accord on matters of dispute between them would surely be reflected in League conferences. That would create an entirely new situation at Geneva, and one of particular concern to Great Britain. If it should be effected, it would mean that France—after all the past—would be the "late enemy" who had managed to unite Germany with her camp.

Capitalizing Assassins

A BOMB thrown at Mussolini by an Italian Anarchist has echoed throughout Europe. The plotter confessed that he came from Marseilles, France, and reached Italy from the sea by rowboat. The Italian dictator has had disputes with both France and Switzerland about the reception of foes of the Fascists seeking refuge in their territories. At once he made the attempt on his life an occasion for a warning directed primarily to France. Speaking to a huge crowd before his executive offices, he declared, quite in the style of the once Kaiser Wilhelm:

> We must put an end to gentle tolerance of parties culpable in these matters. It would be well for responsible governments to take note of this, because otherwise their friendship with the Italian people may be fatally compromised. And we are ready to apply suitable methods for this purpose.

Fascist newspapers began to blame France openly, charging her with responsibility for menaces to the Premier's safety. To this the semi-official "Temps," placing the responsibility on the Italian frontier police, replied:

> When, in 1894, the Italian Caserio assassinated at Lyons Sadi Carnot, President of the Republic, no one thought of holding the Italian Government or the Italian people responsible. . . . How much stronger, then, is this argument when it is an Italian on Italian soil who is guilty of an attempted outrage?

The Fascist Directorate followed up the issue vehemently in orders to the party, in which it asserted:

> The land of France, for whose safety some of our 500,000 war dead fell, has been for years the most hospitable land for all those hatching in their perfidious hearts hatred against Italy.

The orders declared that, if France

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desires to continue the friendship of Italy, she must change her line of conduct.

Excited Fascist crowds stoned French consulates in Trieste and Leghorn and other Italian cities. In reprisal, French demonstrators in Corsica stoned the Italian Consulate and flag there. The Grand Masonic Lodge of France, in annual convention, adopted orders condemning the continuation of dictatorships in Europe and congratulating the French Ministry of Foreign Affairs for maintaining, in the face of strong opposition, the right of exile in France for all foreign political refugees.

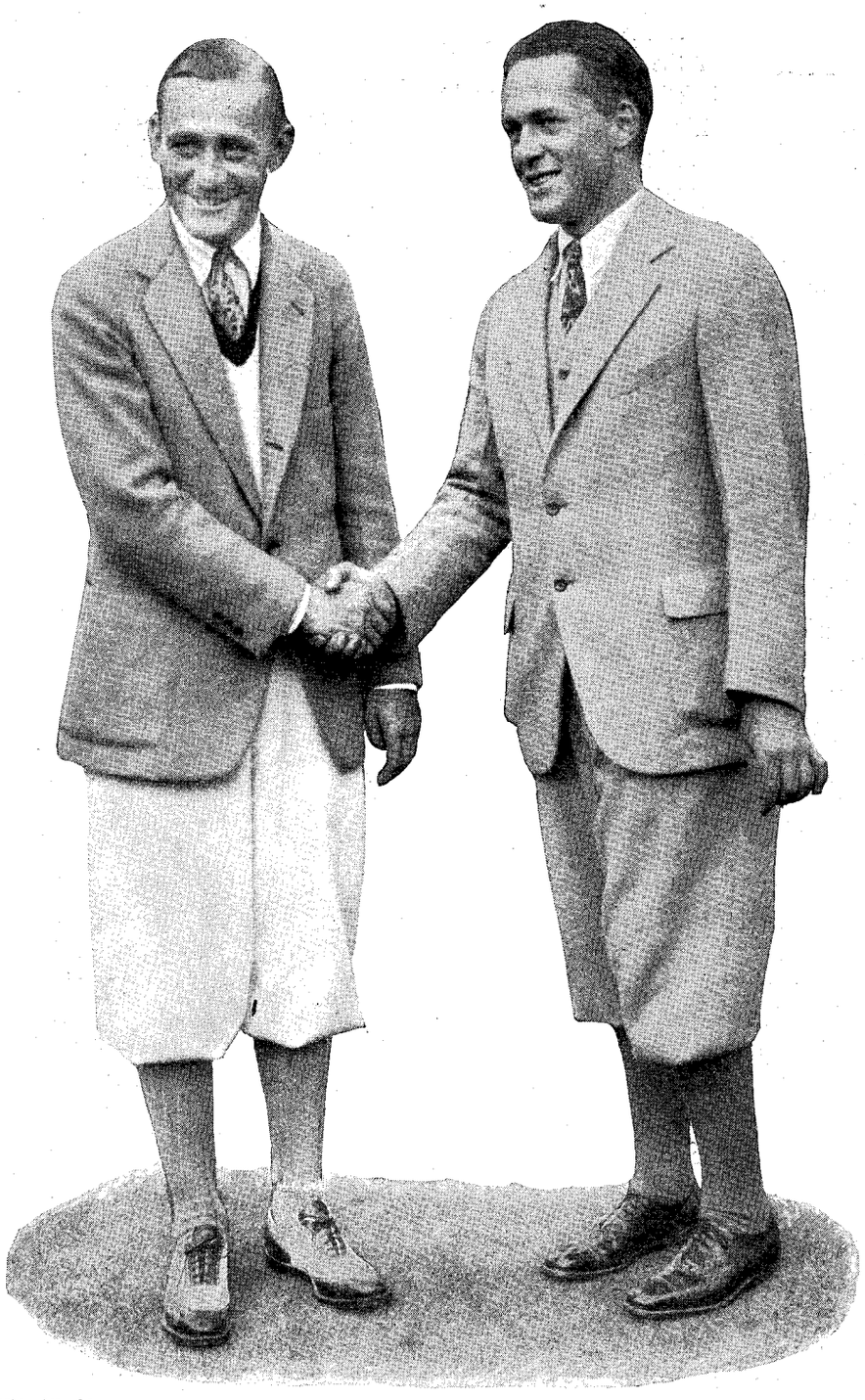
The result is a situation that disturbs all Europe. Fascist Italy has been at odds with France over the treatment of Italians in the French colony of Tunisia in North Africa, over the status of Italian immigrants in southern France, and over the more general questions of Fascist ambitions regarding Italy's position in the Mediterranean. Mussolini's use of the attempt on his life shows more than quickness in capitalizing it for political purposes; it reveals an ugly readiness to make an excuse for picking trouble with France. In contrast with the reconciliation of France and Germany at Geneva, the spectacle is not a pleasant one.

France Triumphs

WHEN American golfers occupied all the front places in the British open championship, there were many comments, some of which were not entirely judicious, upon the decadence of European athletics. Now America has had a chance to sit on the side-lines while the finals for its National tennis championship were contested between two representatives of the Republic of France. Johnston and Richards passed out of the picture in the semi-finals and Tilden was forced out of the tournament in the preceding round.

This is the first time in seven years that William T. Tilden 2d has failed to win the National Championship. Six years is a long period to hold a place which has virtually represented during that period the championship of the world. During his leadership the game has gained in strenuousness and in technique, and for many elements in this change Tilden himself has been responsible. One of the finest phases of his triumph has been his willingness to help in the development of younger players. In important tournaments he has paired himself frequently with boys who did not represent the strongest support which he could have readily secured. In the tournament this year he was handicapped by a strained knee, but no word of excuse came from him. There is still dynamite in his racquet, and his elimination from this year's tournament does not mean the loss of his position as one of the foremost players in the world.

If the young Frenchmen who lost out in the Davis Cup matches and then returned to such a sweeping triumph in our National Championship remain in the game, Tilden and his friendly American rivals will need all the dynamite available to regain for America the position of tennis pre-eminence which was held for so long. It hardly looks as if American tennis players would have easy sledding for the next few years.



Wide World

George Von Elm and Robert Tyre Jones Shake Hands Cheerfully

The New Golf Champion

TILDEN was not the only pre-eminent athlete to suffer a recent reverse. Robert Tyre Jones, Jr., who holds the British and the American open championship and who was last year's winner

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of the American amateur championship, failed to retain the latter title in this year's test. He fell before the onslaught of George Von Elm, who beat him in the finals by a score of 2 up and 1 to play. Although Jones was defeated, no one is losing much sleep over his loss of form. Golf being what it is, there come days when even the mightiest are laid low. Nevertheless Mr. Von Elm deserves high praise for his achievement. Twice before he has met Jones in the finals of a National tournament only to suffer a rout. His present victory represents both a mental and a physical achievement of high order.

Air Mail on the Pacific Coast

By air mail comes a letter from our correspondent on the Pacific coast describing the inauguration, a few days ago, of a regular air mail service up and down the great Pacific highway, from Los Angeles to Seattle.

Three minutes after midnight, on September 15, the first of five super-planes used in the service of the Pacific Air Mail Transportation Company, holders of the Governmental contract, left Los Angeles, carrying mail to Seattle. Brilliantly lighted with red and green lights, it could be seen at a great distance, and all along the route, in spite of the lateness of the hour, the craft was greeted with enthusiastic demonstrations. At Bakersfield, where it arrived at 1:20 A.M., some 12,000 cheering people were ready with fireworks and bands to greet the new mail carrier, while twenty airplanes with searchlights circled overhead. Fresno was reached at 2:58 A.M., and there civic leaders were ready with a greeting, while several bags of mail, destined for the north, were added to the ship's cargo. San Francisco was reached at 5:30, and so on to Seattle.

Meantime a second plane had been racing south through the early morning mists from Vancouver, Washington, whither the start had been transferred from Seattle. It arrived at Crissy Field, San Francisco, at 12:30 P.M., and shortly after set out again for Los Angeles, by way of Fresno and Bakersfield. The time both ways for a distance of 1,100 miles was about thirteen hours. Altogether, the inauguration trips were unqualifiedly successful. Another strand has been added to that network of air mail service which must one day spread itself over the continent.

A Transformed World that None Can Predict

Once more the intensely interesting scientific speculation concerning the release of the incomparable energy of the atom has been given prominence in the newspapers. The occasion was the recent annual meeting of the American Chemical Society. Its President, Dr. James F. Norris, predicted a new order of things in human affairs if this greater store of energy were released. "The world will be a better place to live in," he said as he touched on a few small beginnings that have already been made in this direction.

In many scientific circles the feeling is that the world may now be closely approaching another great primary turning-point comparable to the "mechanical revolution" of a century or more ago. At that time man found how to make the energy of coal actuate his inanimate machines, thereby greatly amplifying his own small energies and those of his horse.

For some years physicists have known, and it has become almost a popular commonplace, that the atoms of all matter carry within them a form of energy which ordinary burning, such as that of coal under a boiler, does not remotely approach. When we burn coal, it is not this inner or subatomic energy that we obtain. It is simply the release of extra-atomic energy consequent on the recombination of atoms that takes place. Now if we can find a way to get the energy *within* the atoms in coal or any other substance—for example, water, an egg, a stone, a man's hand, a dime—we shall find a hoard about an even million times as great as that of the same weight of fuel! Feed a teacup of water into the imaginary subatomic "machine" and you could run the Mauretania from New York to Liverpool and back! Shovel a daily wagon-load of dirt or what-not into it and keep the whole world's present machinery in motion! This is one of the legitimate sensations of science. It would stand out in as strong a relief with our greatest power plants as the latter do with the feeble one-sixth of a horse-power of a man's muscles.

Much loose promise of this all-affecting advent has been indulged in by hopeful writers. Even scientists talking among themselves but in the presence of reporters not provided with a scientific background have unwittingly brought about misconceptions concerning the immediate likelihood of our harnessing subatomic energy. Recent advances in the marvelous new physics of the atom do, it is true, provide at least logical grounds for the hope that subatomic energy will be released as a slave of man, but nature is not always what man calls logical. Again, the recent analysis by Millikan of the cosmic ray is throwing some relevant light on the question, and no one can say what sudden turn things may take. Yet to predict this is highly speculative.

Progress in such things is never uniform. Some feel that science can get just so far but no farther, and will in the end be forced to circle round and round the tantalizing inner atom without finally getting any closer to its vast sources of energy. The solution, therefore, may be had either gradually or at once, and either to-morrow or in the next century; or it may turn out to be a mirage. The inner atomic structure reveals itself freely, but it does not freely give. Can man ever force it to give?

Philosophers in Council

While the great philosopher Eucken, professor at Jena, and winner of the Nobel prize for literature in 1908, was at the point of death from pneumonia, philosophers from many parts of the world were gathering at Harvard University for the exchange of ideas. Here it was that Eucken came as exchange professor two years before the World War broke out.

To attempt to give any impression of the meeting of the International Congress of Philosophy in a brief space would be idle. It may not be inappropriate, however, to observe that apparently a consensus of opinion at this gathering would agree substantially with Eucken's views that a materialistic philosophy does not explain life, and that man must have recourse to the spiritual. One other observation might be worth noting. Dr. John Dewey, of Columbia, with characteristic American modesty (and that is not meant wholly as a joke), criticised the American attitude toward philosophy as laggard and superficial. No one can well doubt that in one sense Dr. Dewey is right, especially in respect to formal philosophy. But there is something on the other side to be said of the philosophy that is incorporated, unconsciously perhaps, in

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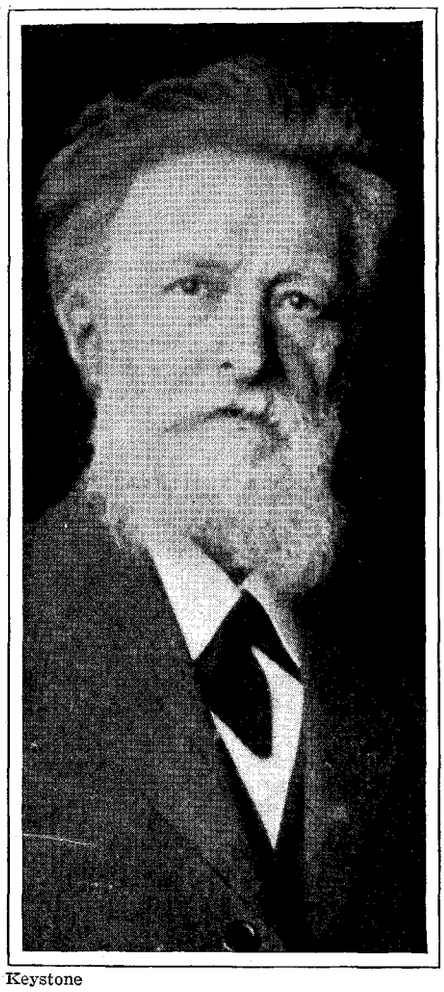
American life, and nowhere has it been said more understandingly than in the closing pages of Eucken's book, "The Problem of Human Life."

A Prophet-Philosopher

SO remote is the temper of this age from the spirit of philosophy that the death of a great philosopher in these days seems almost anachronistic. And yet Rudolf Eucken, who died in Germany on September 15, belonged to his own generation as truly as any philosopher that ever lived. His was a philosophy for a day that has turned away from philosophy to other and more obvious things. It was the very absorption of people in the outward things of civilization and the consequent chaos of thought about things spiritual that gave him his text. In the first sentence of the introduction to his important book "Main Currents of Modern Thought" he speaks of the "extreme confusion which prevails and the accompanying painful insecurity as to the real aim of life." His whole life was devoted to the task of bringing order out of this confusion and of replacing the painful insecurity with a sense of certainty.

Born in 1846 in East Friesland, Germany, Rudolf Eucken saw in his own lifetime changes in outward civilization unequaled in any prior era and advances in scientific knowledge that have left men's minds dazed. For a time it seemed that things had put the bit in men's mouth and the saddle on men's back and were riding them. For a time it seemed as if the whole universe had turned machine and that men were mere cogs in it. Even philosophy turned mechanistic. From the dead despair of such a view of life some thinkers had attempted to take refuge in what Professor William James called pragmatism—the doctrine that anything that "works" is true, that the test of any principle, of any theory, of any religion, is whether it is practicable and brings good results. In the midst of other voices rose the voice of Nietzsche, proclaiming the superman and a kind of heroic, Siegfriedian selfishness. Also there arose in due time the physiological psychologists with their theories of repression and complexes. Some of these, like Nietzsche and Freud, were taken up as fads. Others were just wrangling classroom lecturers and writers of books. Amid all the distractions of the world and the discord of schools of thought the twentieth century moved on to the World War.

Those were the days when Eucken's voice sounded like that of a prophet. He rejected the mechanistic view, as all profound thinkers have rejected it, for the obvious reason that the mind which conceives the machine, that formulates the laws of science, is not itself the machine that it conceives and is not the creature of the laws that it formulates. Eucken's philosophy is a philosophy of the spiritual life. It finds the reconciliation between matter and spirit in action rather than in mere meditation. It presents the life of the spirit, not as something to be explained, but as something to be ventured in order to be understood. As a consequence, Eucken had profound sympathy with those Christian conceptions that have expressed themselves in terms that have been spoiled by the canting use of them, such as regeneration, redemption, and grace. He found in life nothing more real than the rebirth of a human soul and the redemption of people from sin, and he made his philosophy include those realities. He was far from being an orthodox churchman; but he understood some of the more profound experiences of religion better than many a theologian or ecclesiastic. To Jesus he ascribed a place in history quite unique.



Keystone

Professor Rudolf Eucken

His attitude in defense of Germany in the war was a shocking disappointment to many in other countries who had thought of him as a prophet of the unity of humanity, or, to quote his own phrase in a preface written just two years before the war, "a better understanding of the complete solidarity of the various nations with regard to those great questions which concern humanity as a whole." But his aberration will be forgotten or ignored, while his influence will continue. His thoughts are couched in a style that is not popular, but they will sift through the minds of others to countless thousands.

The Rosenthal Case

WHEN Raisuli, the Moroccan bandit, a descendant of Mohammed, kidnapped Ion Perdicaris, an American citizen, John Hay, Secretary of State, sent the famous despatch, "Perdicaris alive or Raisuli dead," and the country applauded.

That was in 1904.

The other day, on September 12, to be exact, Mexican bandits kidnapped an American citizen, Jacob Rosenthal, and three days afterwards, to facilitate their own escape from capture, murdered him. The American Government made no peremptory demand upon Mexico.

Why the difference?

Morocco was not a civilized country. No nation could depend upon the Moroccan Government, under which a bandit like Raisuli could become a governor, to provide that protection and justice that people expect from civilized governments, so the United States, like any other civilized nation, had to be ready to take whatever measures might be necessary to protect its citizens in such a region.

Mexico in 1926 is treated by the United States and by other nations of the world as a civilized country. With Mexico we have diplomatic relations. An American Ambassador is resident in Mexico and a Mexican Ambassador is resident in the United States. If an Italian is killed by a bandit in the United States, the Italian Government expects the United States Government, or the Government of the State in which the crime was committed, to do precisely

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for the punishment of the crime what it would do if the victim were an American citizen. Similarly, so long as we treat Mexico as a sovereign civilized nation, we must act on the assumption that the Mexican Government will do for the protection of American citizens in Mexico precisely what it will do for Mexicans. If we are not ready to act on that assumption, then we have no business to pretend to do so by having diplomatic relations with Mexico.

In this case Mexico has acted with vigor.

The Outlook in Indiana

FOR many years The Outlook has provided for use in the schools and discussion clubs a study outline based upon the articles and editorials which appear in its columns. These outlines have, we are glad to say, been popular both with teachers and with pupils, for they have helped to make the study of English and current events stimulating and real. The Outlook's outlines have been designed to arouse thought rather than to invite repetition. Teachers and pupils have both been urged to form their own conclusions upon the matters discussed by the writers and editors whose work appears in The Outlook.

An interesting development in connection with this study plan has recently occurred. The Committee on Instruction of the Indianapolis Board of Education has adopted for the English and current events classes in that city an outline based upon The Outlook's report of National and international events and upon the reports in the Indianapolis "Star" of events occurring within the State of Indiana. This outline will be prepared each week by Mr. J. F. Thornton, Assistant Superintendent of the Public Schools of Indianapolis. The plan has been indorsed by the State Superintendent of Public Instruction, Mr. Henry Noble Sherwood, in the following words:

> Such an outline composed of local and National events, founded on the subject-matter of such a publication as The Outlook, correlated with the use of a similar outline composed of suggestions founded on current issues of The Indianapolis Star, is a unique step in the problem of education, giving pupils an appreciation of history in the making.
>
> Character building and stimulating of healthy interest in the solution of present-day problems and in the interest in political and civic affairs, not only helpful but a future guide to our student body throughout the State, is of vital interest and importance.

Indiana has long ranked high among the States for its devotion to education. So far as we know, the plan which the educational authorities of Indiana have adopted for the combined use of a local and National journal stands forth as a unique experiment. The Outlook is proud of its association in this work.

The Easy Epithet

By LAWRENCE F. ABBOTT
Contributing Editor of The Outlook

WHAT is a demagogue? How may he be classified and defined? This question, one of the most difficult in political history, has been suggested anew to me by the life of John Bright, whose biographies by G. M. Trevelyan and R. Barry O'Brien I have just been re-reading. John Bright's career is a striking illustration of the historical fact that the hated demagogue of one generation often becomes the admired hero of the next.

The epithet "demagogue" is one of the easiest to use in heated political controversy but, as a term of intelligent classification and characterization, it is one of the most difficult to define. By derivation the primary meaning of the word demagogue is "leader of the people," especially by argument or persuasion. In this sense of the word all great preachers are demagogues. But the secondary and popular meaning is that the man who tries to sway the masses by unprincipled appeals to their passions or prejudices is a demagogue. Thus it happens that all great popular leaders, whatever their real character, have been denounced by their opponents as demagogues. Socrates and Jesus were put to death because they were accused of demagoguery. Cromwell was sincerely believed by the Cavaliers to be a dangerous and unprincipled demagogue. Abraham Lincoln was thought, not merely by Southern aristocrats, but by leaders of his own political party, to be an ignorant demagogue. Charles Francis Adams, Lincoln's great war Minister to Great Britain, was much depressed by the election of the country lawyer from Illinois, and when he first met the new President in Washington thought "that he was more intent on the distribution of offices than on the gravity of the crisis." There are many men, otherwise intelligent, who still believe that Roosevelt was essentially a demagogue.

Of all the great English-speaking political leaders in my lifetime that have escaped, so far as my experience is concerned, the accusation of demagoguery the only two that I can think of are Gladstone and Woodrow Wilson. They were both cordially hated by their opponents, but nobody ventured apparently seriously to call them demagogues. This is explicable, I think, on the ground of their aloofness, or reserve, and their generally recognized scholarship. They were philanthropists, but not humanitarians—that is to say, they desired the welfare of the race *en masse*, but they did not enjoy associating with the common individuals of which the mass is composed.

John Bright was a contemporary of Gladstone's but, unlike him, he was not a university man. He had what we should call in this country a first-rate high school education, with a little more literary and classical touch, perhaps, than our ordinary high school courses give. He was a Quaker or Friend, and therefore naturally a pacifist. But he believed in using force for the maintenance of human rights and during our Civil War was an outstanding supporter in England of the Northern cause and the Northern armies. In the Crimean War he was an anti-Imperialist, denounced the alliance with Turkey and was execrated as a non-resister and enemy of his country. But in the Indian revolt of 1857 he supported the Government and was execrated by the pacifists as an Imperialist. His attitude was thus expressed:

> The success of the Indian revolt would lead to anarchy in India, and I conceive that it is mercy to India to suppress it. I should not resist the measures considered necessary to suppress it. I should insist on an improved Government for India for the future.

There seems to be something here that might be helpful in our own humanitarian consideration of the Philippine problem.

John Bright was a successful cotton manufacturer but a free-trader. In his day the controversy about free trade revolved around the Corn Laws. Under

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the Corn Laws the landed aristocracy of England were highly protected in the production of wheat, so that the high price of bread and other foodstuffs caused great suffering among the masses of the people. "A Protectionist Duke," says Trevelyan, "recommended the working classes to take an occasional pinch of curry powder in a little water to allay their inconvenient craving for food," which recalls the suggestion of Marie Antoinette that the starving laborers of France who could not get bread might eat cake. Marie Antoinette lost her head. Luckily, the Queen of England did not lose hers because John Bright with power of oratory, power of intellect, and power of success as an employer of labor threw himself into the controversy. The repeal of the obnoxious and uneconomic Corn Laws probably saved England from a disastrous revolution, and the credit for this achievement of statesmanship is in a large part due to John Bright. He might have said with Sir John Peel, under whose Prime Ministry the Corn Laws were abolished:

> I shall leave a name execrated by every monopolist who maintains Protection for his own individual benefit; but it may be that I shall leave a name sometimes remembered with expressions of good will in the abodes of those whose lot is to labor, and to earn their daily bread by the sweat of their brows, when they shall recruit their exhausted strength with abundant and untaxed food, the sweeter because no longer leavened with a sense of injustice.

If oratory is one of the earmarks—or perhaps one might say, the mouth-marks—of the demagogue, then John Bright lies under the weight of that evidence. He and Gladstone were the most effective and commanding orators of their day, not only inside, but outside the House of Commons. Both were dignified in manner and presence. Both scorned bizarre and furbished appeals to cheap emotions. But with Gladstone oratory was a carefully wrought art; with Bright it was a spontaneous and unpremeditated gift. He prepared his speeches, but only in the sense of making his points logical and coherent. Of the two types of oratory he once said: "When I speak I strike across from headland to headland. Mr. Gladstone follows the coast-line; and when he comes to a navigable river he is unable to resist the temptation of tracing it to its source."

One of the most famous of Bright's figures of speech is a phrase in an appeal to the House of Commons to make peace with Russia in the Crimean War: "The Angel of Death has been abroad throughout the land; you may almost hear the beating of his wings." The House, although the great majority of its members were firmly, if not angrily, opposed to Bright on the Crimean question, was profoundly moved. But, said Richard Cobden in commenting on the speech, "if you had said '*flapping*' instead of '*beating* of his wings' the House would have laughed." Such is the hair's-breadth between success and failure in public oratory.

The tributes to John Bright's character and accomplishments are many from high and low. Two are especially impressive. One is related by Barry O'Brien. He describes a gold-headed cane, now in possession of the Bright family, which was bequeathed to John Bright in 1871 by the Rev. James Smith, of Springfield, Illinois. A clause of Dr. Smith's will ran as follows:

> I give, devise, and bequeath unto John Bright, Esq., member of the British House of Commons, and to his heirs, the gold-mounted staff, or cane, which belonged to the deceased President Lincoln of the United States, and presented to me by the deceased's widow as a mark of the President's respect; which staff is to be kept as an heirloom in the family of the said John Bright as a token of the esteem which the late President felt for him because of his unwearied zeal and defense of the United States in suppressing the civil rebellion of the Southern States.

The other tribute is still more notable. Trevelyan tells the story:

> More than a generation after the Corn Laws had been repealed, a great Liberal meeting was advertised in Manchester with Lord Hartington in the chair, and Bright as chief speaker. Before the proceedings began, a gentleman in the audience found himself sitting behind three old workingmen who had walked in from a neighboring county to hear John Bright speak once more, because they had often heard him in the Corn Law days. When they saw him come on to the platform, they all three broke down and burst into tears.

The oratory of the demagogue may sway the passions of men; it may make the pocket nerve tingle; but it never touches the heart. Those three old workingmen furnished convincing testimony that John Bright was, although a radical democrat, a great leader of men.

Kondylis and Konduriotis

By Elbert Francis Baldwin

The Outlook's Editor in Europe

ANOTHER overturn in Greece! The Pangalos Government is no more. Its fourteen months' period of power marks a real epoch in Greek foreign relations.

External Affairs

Its most notable achievement was the treaty with Jugoslavia. "Incidentally we recognize no such word as Jugoslavia," said a Serb the other day. "Of course it means 'the Country of the Southern Slavs,' we know, but it was foisted on us by foreigners. We are, and shall remain, either Serbs, or Croats, or Slovenes, or minor nationalities. We are willing to belong to a 'Kingdom of the Serbs, Croats, and Slovenes,' our officially recognized title, but not to a 'Kingdom of Jugoslavia.'"

The treaty in question was negotiated by the able Greek Foreign Minister, Kanakaris Roufos, in connection with the also able Jugoslav Foreign Minister, Dr. Momtchilo Nintitch. It ends the Serbs' impertinent demand for the ownership and control of a fifty-mile railway traversing Greek territory, namely, the road from Salonika, on the Ægean Sea, to Guevgheli, on the Serb frontier. The railway remains Greek.

The traffic over it is mostly from Serbia, and especially from southern Serbia, a part of the old Macedonia. Serbia now receives guaranties, first, of the prompt transport of goods of all kinds, and, second, of equitable tariffs from the frontier to the sea. These things are vital necessities for the growing economic life of Jugoslavia, some day bound to be one of the greatest in Europe. To facilitate matters, a Ser-

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Wide World

General Kondylis

bian railway representative is to be associated in the management, and all disputes are to be submitted to an umpire of French nationality, chosen by the League of Nations.

What is also of prime importance to Serbia, her free zone at Salonika is to be extended. I saw that zone recently, and can witness as to the justice of the demand for its enlargement.

Touching the vexed question of minorities, the treaty declares that the régime already initiated by the General Minorities Treaties affords ample guaranties for protection.

Finally, in maintaining existing frontiers, the present convention is a defensive treaty within the purview of the League of Nations' Pact.

Also, as a link with the previous convention, a treaty of friendship and agreement was at the same time signed by Greece and Jugoslavia. When one considers the enormous importance of this matter to both countries, the stand taken by General Kondylis, at the head of the new Government, is surprising. It is to the effect that, irrespective of the engagement assumed by Dictator Pangalos, agreeing to ratification of a simple decree, the treaties are to be submitted to the Legislature after the October 24 elections. Let us hope that this will not imperil ratification.

If in external politics the Jugoslav result is the late Government's chief title to fame, its action with regard to Albania, Italy, and Bulgaria (with respect to the last-named since the alarming frontier incident of nearly a year ago) also entitles it to enduring recognition and remembrance. Certainly it has outdistanced any previous Government in assuring just and friendly foreign relations.

Home Affairs

THE Pangalos régime fell, of course, not at all because of its foreign policy; indeed, the new Kondylis Government hastened to proclaim its continuance of the policy of the old. Pangalos fell purely because of internal affairs and military jealousies.

As to the first, newspaper muzzling cannot go on forever, as other dictators may discover to their cost.

Again, you cannot summarily deport your chief political rivals, as Pangalos did, without stirring up their henchmen at home.

Furthermore, you cannot build up a ruling party composed only of people enjoying your own patronage when you are far from having enough patronage at your command to pacify the very much larger party in opposition.

To make matters worse, the Dictator still more sharply accentuated this difference by sternly meting out an abundance of fines, imprisonments, and other punishments, instead of the expected offices and gifts.

To crown all, certain venal persons had become attached to the Pangalos régime, and there was graft a-plenty, even the Dictator's personal integrity being seriously attacked.

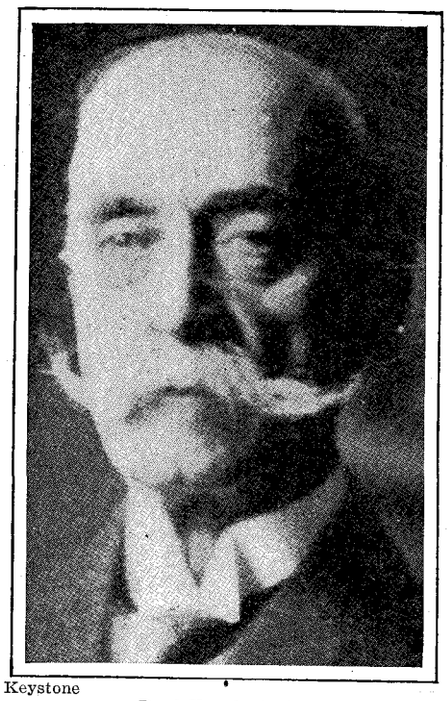
The recall to the Presidency of the universally respected Admiral Konduriotis, who resigned that office last March, should do something to set all these things right.

Military Jealousies

As to the second cause of the late Government's downfall, namely, military jealousies, General Pangalos, an intelligent man, must have known that his *coup d'état* would prove an irresistibly fascinating example to his military rivals. Exactly this has now happened. The Kondylis *coup* resembles the Pangalos *coup* as one pea resembles another pea in a pod.

Moreover, any rough-and-ready stroke, as was that of Pangalos, may, I fancy, generally be reckoned on as, in the end, apt to provoke a counter-stroke. And that means a personal disaster to him who instigated the first. "They that take the sword shall perish with the sword."

Doubtless the military supporters of Pangalos have not been getting all the advancement and preferment they expected. At all events, many military chiefs in general, and Kondylis in particular, were left out in the cold. Now



Keystone

Paul Konduriotis

they are warming themselves at the Government's fire. It is the same old fire, although, in name, there is a new Government.

We read the hackneyed proclamation issued by General Kondylis, an announcement precisely like those issued by other triumphant revolutionary chiefs in other countries—namely, to the effect that power has been seized merely to transfer it as soon as possible back to the people and, after a period of rigorous, necessary executive efficiency, to inaugurate a truly democratic rule. This assurance would be received with greater confidence in Greece did not another rule of human nature obtain—vengeance. Under charges of treason, General Pangalos, President of the Revolutionary Court, had the chief actors of the previous Government, Gunaris and Company, stood up against a wall and shot. Will Kondylis now do the same with Pangalos?

General Kondylis is an able, determined-looking Greek like his predecessor, if not so strikingly handsome. Not so very long ago the two generals were colleagues in the same Cabinet, Pangalos being War Minister and Kondylis Home Minister. These titles have now a curiously ironical significance.

Both men are republicans, but many assume that the Kondylis brand may be found the more tolerant towards the monarchists.

How long will the new rule last? Longer, doubtless, than would probably be the case had not the soldier, Kondylis, summoned the statesman, Konduriotis, back to guide the ship of state.

Geneva, September 5, 1926.

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In the Toils of the Law

The Aftermath of One Collision

By CHARLES E. CLARK

SUPPOSE that Mr. A, a generally law-abiding inhabitant of our city, is found rolling down one of our boulevards of an evening in his fordor sedan, surrounded by his family and at peace with the world as he complacently admires the steady hum of his motor. Suddenly Mr. B, upon like ventures bent, appears at a street intersection; there is a collision, and injury and damage result to the person, property, and family of each. A crowd at once appears, several policemen intervene, and a debate as to the question of responsibility takes place. If the participants are well advised, they may very likely decide to part with mutual apologies, each accepting his loss with such grace as he can muster. But this always seems to involve a tacit admission of unskillfulness in the operation of a motor vehicle, a subject upon which any upstanding American citizen is naturally sensitive. Hence there is the best chance in the world that they shall both find themselves in what are not improperly termed the toils of the law. The policemen may decide that the matter is entirely one for the civil courts, or they may decide that there has been an apparent violation of traffic rules and that the matter is one for the criminal law courts. In the latter case they will serve summons upon both Mr. A. and Mr. B to appear before a police or traffic court. If thereafter one of the parties institutes a civil suit, both our friends will find that they are in for a period of instruction, lasting over a fairly considerable period, in the mysteries obtaining at our fonts of justice. Let us follow them in their pursuit of this knowledge.

THE first case to be heard will undoubtedly be the criminal case.

It is quite the custom to talk of the anachronisms of the criminal procedure, and particularly of its delays; but our friends will find, quite to their surprise, that the delays in the criminal law courts are as nothing to the delays in the civil courts. True, there are many anomalies in our criminal procedure: the ponderous machinery of the grand jury still often used in minor offenses instead of a simple information brought by the prosecutor; the pious fraud of the privilege against self-incrimination, with the judge compelled to admonish the jury not to draw the obvious inference from the failure of the accused to take the stand; the absurdities as to the technical form of the indictment still existing in some jurisdictions, as in Alabama, where this spring a conviction was reversed because the prosecutrix's first name was Cleo, not Clio, though a month earlier it had ruled that Gise and Gese sounded enough alike to be considered the same; and others of similar general character. Nor have we yet succeeded in reaching the speed from arrest to the gallows achieved by our English neighbors. But on the whole the results achieved are striking as compared with civil procedure. In the Gerald Chapman case, where every possible line of defense was followed, even to appealing to the Federal courts, including the United States Supreme Court, only about eight months elapsed from the time the prisoner was turned over to the Connecticut authorities until the final Connecticut judgment was affirmed, and only about fourteen months from his apprehension until his execution, after having exhausted all manner of appeal. In general, the efficiency of the courts of criminal justice depends largely upon the activity and earnestness of the prosecuting officials, just as the abuse of our criminal procedure may usually be charged to an overzealous or biased prosecutor. That office represents the key position in criminal law enforcement.

So Mr. A finds himself directed to appear probably the next morning in the police court to answer to a violation of the traffic regulations.

He will find that he must be present at the time and place directed—unless he or his counsel have meanwhile secured delay—under pain of having a policeman come after him. Probably he will secure a continuance of a week or so in order better to prepare his case with his lawyer; but, in any event, the case is likely to be heard within two weeks after the accident, and be then finally disposed of unless the parties appeal. Even in the event of an appeal, the whole matter will be ended within six months, unless unusual features arise or unless he is unfortunate enough to be in a jurisdiction where the courts are unduly congested. If the prosecutor delays forcing the case to trial, it is probably an indication that he does not himself believe in the case enough to try it and that he may eventually intend to drop it. Mr. A will find himself subject to considerable annoyance and delay, but he may confidently hope that before his next long vacation he will at least have made himself square with the criminal authorities.

He is much mistaken, however, if he thinks he is finally done with the legal machinery set in motion as the result of his peaceful evening ride.

NEXT comes the civil suit for money damages. This need not be instituted until a certain time after the accident, from one to six years, depending on local rules, but probably the shorter time, since it is a personal-injury or property-damage claim. So Mr. A finds himself summoned by a deputy sheriff or by a process server to appear in court at a stated time, some two weeks off, to answer to the claim of Mr. B for his damages.

Mr. A probably groans inwardly and thinks of the fishing trip that he will have to postpone to be present at the trial, but at the same time he may feel that at last the matter is at issue and it will soon be finally closed and forgotten. So he goes to his lawyer, meanwhile laying his plans to appear in court at the specified time, recollecting that the criminal court required the utmost promptness in meeting its orders. But he receives a check from his lawyer by being informed that his physical presence in the court-room is not wanted at the time set, and, if ever desired, will not be for a year or two or three years. The "appearance" called for by the summons is a legal notification by the defendant's lawyer that he "appears" in the case for the defendant. Many a weary day will pass before the actual trial occurs.

Now the lawyer may tell Mr. A that, since Mr. B is bringing the case, it is the practice for him, as the defendant, not to press the case to trial, but to let Mr. B wait for his money so long as the law will permit. So the lawyer may wish to take his time in deciding the next step to be taken in the case. This step, in any event, will consist of filing some sort of answer to Mr. B's complaint. But this may be an answer on the facts or one raising legal objections to the suit or to the form in which it is

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brought. In some States the attorney may successively plead to the jurisdiction of the court on the ground that the action is brought to the wrong court, make a written motion for some correction of a defect in the pleading, file a demurrer which challenges the legal sufficiency of the plaintiff's claim as set forth in his complaint, and at length, having lost on each of the issues successively presented, file an answer in which he sets forth the defendant's view of the facts of the case, or, perhaps more properly, of the plaintiff's statement of the facts.

If all these steps were taken in immediate and rapid-fire order, it would still be the occasion for considerable delay; but in fact each successive step calls for the presentation of the issue by the lawyers to a judge and a resulting decision by the judge before the next step can be taken. Where professional courtesy between members of the bar is highly developed this may well mean that on every occasion the convenience of all three parties, the judge and the two lawyers, must be awaited until a favorable opportunity is found for the argument. Thereafter the judge practically may take his time in rendering the decision. In one case in the writer's recollection a judge waited two years before deciding a minor point of this kind, and no one wished to "bell the cat" to get an earlier decision. The clerk of the court had had previous experience with the court's fiery temperament, and neither lawyer desired to prejudice his case by appealing for speed. It is true in the more populous districts that the judges cannot afford to allow undecided matters to pile up, and their decisions are more offhand. But, since such judges must favor a decision quickly erasing a case from before them, the case stands more chance of being dismissed for a technicality, thus forcing the parties to begin all over again.

Certain other problems arise in connection with these preliminary sparrings of the lawyers. May Mr. B claim damages both to his own person and to his car in the same action? The answer would seem to be clearly yes, and yet, while that is now the more usual rule, it is not so clear in all jurisdictions. May Mr. B and his wife, being injured at the same time, sue together in one suit? Here almost all jurisdictions, except those which have copied the very newest English procedure, would say no—each must sue separately. May Mr. A, thinking that Mr. B and not he is the cause of the accident, recover his own damages in the same action which Mr. B has brought against him? Here we run into a pretty bit of history.

Originally, it seems, in some of the ancient courts in England it was customary to decide matters as fully as possible between litigants at one time. Thus in the court of the Bishop of Ely in 1322 Rohese Bindelbire and Ralph Bolay got into an argument, in the course of which Rohese called Ralph a thief and Ralph applied to Rohese terms which reflected upon her virtue. It was decided to set off the damage of one against the other, and, since Ralph was the more severely damaged by the language used, there was a balance of twelvepence in his favor. But with the development of the jury system it was felt that the jury must not be distracted by considering many claims at one time, and the issues must be made as simple as possible for their benefit. Consequently, the use of a set-off or counter-claim, known to the Roman law, was given up until authorized by statute in the time of the Georges. Since then the use of the counter-claim has been steadily extended, but in most of our States it must be one arising out of the same *transaction* or transactions connected with the same *subject of the action* upon which the plaintiff's claim is based. Here is not the collision the transaction so far as there is one between the parties, so that the claims of each may be considered in one suit? Probably the greater number of courts would so hold, but New York and a few States take a typically legal view of the term. On this view the subject of the suit is the negligence of a party, and A's negligence must be a different matter entirely from B's negligence. So it is held, for example, that A's slanderous words spoken of B at the time B makes an assault upon A is an entirely different *legal* transaction from the assault. Under this theory A would have to bring a separate suit to enforce his claim against B. It is true that some New York trial courts, by applying a statute authorizing consolidation of similar suits, have managed to get away from this ancient bit of sophistry; but the Court of Appeals has recently looked with disfavor upon a redefinition of transaction.

It may well be, therefore, that the suit of B against A is but a prelude to a whole string of lawsuits between B and his family and A and his family for claims arising out of the one collision upon the peaceful evening to which we referred earlier.

Let us suppose, however, that after some time, ranging from three months to two years, the lawyers have finally got the paper pleadings in order so that they feel the case is now ready for trial. So they put it on the calendar to await its turn. A weary wait it is in some places. In New York City the courts are two years behind their dockets. In less populous places the time is very materially shorter, unless perchance there intervenes the long summer vacation, during which time no courts may work.

At length and finally a day certain is set for the trial and the clerk notifies the lawyers, who in turn notify the parties, and they appear with their witnesses. But when they have all assembled they find that the court is not ready and they must await the leisurely disposition of one or more cases ahead of them. The delay may be such as to run into other engagements of counsel, and here, too, local professional courtesy may require that the continuance of the case be agreed to. So the parties may all go home to await the setting of another day for the trial. When at length the actual trial begins and Mr. B again meets Mr. A, this time across the court-room table, his animosity very likely has disappeared and he is most anxious to secure peace and quiet. Where neither of the parties has been deeply wronged, the delay may have some uses, after all, in calming their ardor for judicial combat.

Then the trial proceeds and new workings of the judicial machinery appear. The famous rules of evidence are not unknown to many of us by reputation at least. We doubtless sympathize with the conclusion which the sophisticated young miss who figured so prominently in the famous bathtub trial in New York recently seems to have drawn as to the real purpose of those rules. It is reported in the newspapers that she showed a certain shyness and hesitation at the court procedure at first, but, becoming bolder and taking her cue from the lawyers, she found a formula by which to avoid answering questions which troubled her. She said, "I object." A shield from harsh questions—what better purpose do the evidential rules often serve?

When the trial has at last come to a conclusion, then begins one of the most intricate of all proceedings, namely, the proceedings on appeal. Even in a jurisdiction where the previous proceedings have been somewhat simplified the appellate procedure is a complicated maze. This often results from the proper and perfectly sound basis that one who has had his day in court should have little favor shown to him upon carrying his case further. But many times the penalty falls, not on the appellant, but on the appellees, because of the delays incident to the procedure. If the parties still re-

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tain their appetite for legal warfare, there is yet a long campaign which may be waged, involving often one or more retrials of the case. They are not likely quite to reach the record of a French court which just rendered a final judgment in a land case said to have been of five hundred and ninety-nine years' duration; although they may not appreciate this fact at the time.

THE conclusion of Mr. A and of other worthy citizens from this sort of an experience is undoubtedly that the whole machinery is so inefficient, so slow, and laborious in its operation that it should be abolished altogether. "Away with all the red tape. Let us throw overboard these rules which do not aid justice but delay and confuse us." Such has always been the cry of the reformer.

To a student of legal history such a platform seems naïve. A certain amount of red tape is a natural concomitant of any attempt at orderly procedure. From time to time in the history of our jurisprudence we have tried to do away with the red tape of procedural rules and have established courts so simple that any layman might enter them without fear. Then the reforming courts themselves become subject to rules and oftentimes become worse affected than were the original courts. A striking instance of this kind is found in the development of the courts of equity. The first court of equity was simply the king's chancellor, who in the name of the king acted to right wrongs where the ordinary courts of justice would not interfere. The procedure by which application was made to the conscience of the king became hedged about with rules so that by the time of Dickens the delays in the court of chancery were more striking than in the law courts themselves. Furthermore, there was now the added difficulty that there were two different systems of courts, each with a hard-and-fast procedure, and the litigant might, after working through the red tape, eventually find that he was in the wrong court. Present-day reformers might well bear in mind the experience of this kind, and that the establishment of tribunals with simple and efficient forms of remedies may lead eventually to a multiplicity of courts, with strict procedure in each one and with the litigant confused as to the proper court to approach.

The trend of modern reform seems to have been to seek non-judicial tribunals to take the place of the courts. The growth of administrative commissions has been a striking feature of recent legal history. Public utility, inter-State commerce and railroad commissions, workmen's compensation tribunals, trade commissions, and other similar bodies are all established in considerable part to do away with the red tape of the ordinary court of justice. It is probable that these up to date have done a highly noteworthy service, but with the growth of the precedents of each body and of a definite procedure as to each one, we may well find that we have reached the limits of advantageous development of this movement.

Perhaps similar suggestion may be made as to the most modern movement, that to stimulate the employment of the device of commercial arbitration. Under this the parties to a contract stipulate that differences between them arising in connection with the contract shall be determined by one or more lay arbitrators chosen as the contract may provide. In the past the courts unwisely took a hostile view of any attempts to oust them of jurisdiction, as they put it, but, stimulated by statutes and societies such as the Commercial Arbitration Society, the device is now becoming increasingly popular. In view of the crowded condition of court dockets, and of the advantage in certain specialized contracts of having the judgment of technical lay experts, the success of the movement is not surprising. But with success comes orderly procedure, and with that comes red tape. It is interesting to note that one of our authorities on the subject has recently commented upon the more technical character of the applicable rules in England, and gives as a reason therefor the longer period during which arbitration has been employed in that country as a practical juridical instrument. A court turns out to be a court, no matter what we call it, and we should hesitate somewhat in our present rash policy of multiplying forms of courts. The reforming spirit may well be directed to the courts themselves, their organization, and their procedure.

IT would then seem that we should proceed on these postulates, that we must have formal procedural rules in formal judicial tribunals, that these rules will from their very nature tend to become fossilized and unworkable, and that therefore some measure of constant revivification of court procedure must be devised. How is this to be done? How shall the judicial procedural tools be kept in a proper state of efficiency? The unfortunate attempts of the past may admonish us not to be over-sanguine. Possibly it is an insoluble problem. Certain things at least may be done. One of the most important is a real study of the court system as a governmental institution functioning in modern life.

Now the reaction to this suggestion may be the immediate question, What are the law schools and bench and bar doing now but just that? The answer is that in the main emphasis is now placed upon the study of substantive rules of law, while the means to be used to make such substantive law effective have been comparatively little considered. When studied at all, they have been viewed as trade tools, leading to professional success at the bar; when contemplated by students of society, they have been considered with manifest impatience and with the conclusion that the enactment of a variety of incidental reforms will solve the whole difficult problem. What is first needed is a careful and extended comparative study of existing legal systems and procedures.

The very diversity of procedure in the various States is not wholly a loss, for it means that there is so much more opportunity for experimentation and for testing of the results of reform. There are in this country alone some forty-eight or more laboratories for this kind of investigation. When to this are added the English and colonial systems, and the highly suggestive, although almost unknown to us, Continental systems, the mere research in making known what is now being done in the various countries is not inconsiderable. When to all this is also added the necessary labor of testing how the processes work actually in the life of the community they serve, it will be seen that there is at hand for investigation a field worthy of any law school or learned foundation.

Possibly the American Law Institute, now engaged in restating certain fields of substantive law, may be induced to attempt the job. Lawyers are notoriously ignorant and indifferent to any systems of jurisprudence except that in which they are trained and operate. The demonstration to that profession of the success of procedural reforms, undreamt of by them, but operating almost under their noses, seems an opportunity for the doing of social welfare work of the highest value.

Nor is the dissemination of knowledge of existing systems, extensive as is such a task, all that the law schools and learned foundations should do at the present time. The comparative study herein indicated should lead to conclusions as to further developments of existing judicial instrumentalities, or even to the forming of new ones. This process of research is probably never-ending, for it is not humanly possible to keep ahead of the means which should be constantly developing to enable courts properly to function, and thus in its final effect to enable people to live together

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with some degree of harmony in a crowded universe. This is as it should be, for never should the judicial machinery be incapable of improvement. It is a means to an end, not an end in itself, and it must therefore constantly be kept to its function of serving the ends of ultimate justice.

Such is the work that law schools may do in this field. But this should not stand alone. How is the work thus made available actually to be made appealing and thus to be adopted by our public officials?

This is a problem of the utmost difficulty, for except in times of stress or excitement the disposition is to run along with that to which we have become accustomed, or perhaps that which we ourselves have conquered. Lawyers and courts resist changes. How is to be mobilized the political pressure which is probably necessary to translate theoretical reforms into practical court instruments? In England a standing rules committee exists to make changes in the procedural rules. This has operated with much success, but the Earl of Birkenhead suggests that without the head of the English legal system, the Lord Chancellor, as a political officer of the Government, changing as the Government changes, the stimulus for reform is lacking.

It is not politically possible to duplicate this system in our States, but various approximations may be made. A rules committee is not now unknown in some States. If to this is added a body of some degree of stability but made up of elements responsive to social and political demands, charged with the duty of discovering and fostering reform and improvement in the judicial system, a considerable advance may be hoped for. Judge Cardozo has advocated such a body for his State of New York, in a proposal for what he terms a "ministry of justice." The present unofficial organizations of many bar associations might well give a nucleus about which such a body with official standing could be developed. Research to make improvements available and popular support to make them effective seem more hopeful means of progress than to try to cut off and cast away what has been painfully built up through long years.

And so, if the result of Mr. A's and Mr. B's experience is to make them more responsive to the needs of improvement in the judicial system, the time spent in their education is not wholly lost. But it is to be feared that unless the lawyers and law schools give more heed to their wails they will join that large body of our fellows to whom may be given the more elegant appellation—departing from our pure American tongue—of "destructive critics."

Mountain Folks

Some Glimpses of the One Hundred Per Cent Americans in the Blue Ridge Country

By Don C. Seitz

We were riding along the road from Luray to the beginning of the ascent to Skyland, when the car stopped before a cluster of wayside graves, neatly fenced in iron, but not well kept. Our driver called attention to one of the three tombstones within the barrier. It marked the resting place of Elizabeth Herzberger, long dead. In the ellipse above her name was carved a hand, pointing heavenward. "The story is," he remarked, "that she requested her husband to add this mark of faith, and he did it. But you will see he had his doubts as to where she was heading. Notice the question mark above the hand." Sure enough, the hope of a higher life had been put under the doubting shadow of an interrogation mark!

Among the ancient mounds that mark Virginia mountain roadsides are numbers graced with the name of Lincoln, borne by members of the family from which Abraham Lincoln came. The Lincolns were a considerable tribe before they died out or migrated to Kentucky and farther west. Which recalls a tale I once heard the late Speaker Champ Clark tell. It was about a Lincoln named Henry, whom he believed to be an uncle of the great President. The old man lived alone with his wife in a Kentucky mountain cabin. One night a prodigious squawking in the hen-coop betrayed the presence of a marauder.

"Wake up, Henry," called the good woman, "an' git your shotgun. Some one's a-stealin' the hens."

Henry refused to be stirred. "No, mother," he replied, "I won't git the gun. I might hit some of the kin."

There are signs of stir in the mountains, echoing the new activity of the plains, induced by the automobile. Yet the people come but shyly from their fastnesses. A pretty young woman, rather smartly dressed by contrast with most of her sisters, came to us at Skyland with a basket of small, hard peaches, which she sought to sell. She had carried them two miles and a half over a mountain road 3,600 feet above the level of the sea. Looking barely twenty, she said she was married and the mother of five children. Yet in all her life she had never been to Luray, but six miles away! She secured now and then a glimpse more of better things than most of her race by visiting the resort. I saw her looking curiously through the door of the serving room at the well-dressed folks around the dining tables, and felt a quick sympathy with so narrow a life. There are about four million like it being lived in the South.

Under the Volstead Act, the Blue Ridge, the Massanuttens, and the Appalachians might well be called the Mountains of the Moon, with "shine" added. Once remorselessly hunted by "revenuers," the amateur whisky-makers now constitute a class that is almost privileged and instead of selling the smoky output of their stills at plebeian prices, they can now command for "moonshine" figures that are fabulous compared with what they once were, when beating the excise tax was the sole source of profit, and added but little to the market value of corn. The absence of any regularly made "corn" whisky earns it a premium from those whose palates do not care for imported Scotch, which comes in from the seaboard, and the supply nowhere equals the demand. The convenient method of trade is to leave a ten-dollar bill on a stump with a gallon jug beside it in the wilderness. After a discreet period the jug will be found full and the yellowback gone. Compared with the "moonshine" of "revenue" days, the quality of the distillate seems much better. Some of it might be mistaken for Benedictine by an uncultivated palate. In the best circles

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Photograph by Staley

Mountain Folks

blackberry wine is used for a "chaser." This the women make, and they turn out an excellent product.

It will be apparent that a large flow of money is thus being sent through the mountains from the lowlands. Instead of being hunted as outlaws, the mountaineers are rapidly becoming a favored class. Of course, none can hope for limousines and other fixings of the metropolitan bootlegger. Still it is progress. The National Government does not bother with them very much, the situation being left in the main to local sheriffs, some of whom have zeal; others lack of it to the *n*th degree. Now and then a "special" dry agent drops in. They tell this tale anent one of the latter who came into the Powell's Fort country not long since to tread a "moonshine" trail. He called at the house of the suspect and found a boy at home.

"Is pap at the still?" he inquired genially.

"He is," said the boy.

"Could you show me the way to it?"

"I could for a dollar," replied the canny youth.

"All right," replied the agent, "come along."

"Where's my dollar?"

"Oh, I'll give you that when we come back."

"Give it to me now," was the response. "You ain't comin' back!"

No further details were given. The anecdote is in shining contrast, however, with that Corsican tale of Prosper Mérimée's where the boy betrayed a bandit who was hiding in a fodder stack when the chief of the gendarmes promised him a silver watch. In this case the boy's father took him some way down the road and, commanding the youth to pray, killed him with a shot from his carbine, adding: "We will have no traitors in our family."

Southern mountain boys do not need guardians. The little chaps of ten or twelve are fine, handsome lads. It seems a pity that they do not live in surroundings that will preserve their early manliness. To grow old in the mountains is to become "queer" at the same time. I have cultivated the theory that wherever you find rattlesnakes there dwell poor whites of the self-outcasting type. It is so in the Southern hills, the Alleghanies, and the Ramapo and Schaghticoke regions near New York. In all these the serpents abound. Note the buxom appearance of the young in the family group herewith, when contrasted with their elders.

It will perhaps be considered shocking to say that moonshine money is going to improve things in the mountains. Bear in mind, these people, for two centuries, have had no opportunity to get money in any quantity in any honest way. Old-fashioned moonshining was perilous and poor in pay. The modern business is just the reverse. The rich people who once despised the "hill-billies" are now their patrons and protectors.

Ambitious young folks from the mountains begin to see chances of escape. Some were always getting away. The trickle is now growing into a stream. The benefits from the fast-coming changes will be large. Remember this is a 100-per-cent American stock that has long lain fallow, choked in industrial competition by conditions it could not overcome, and lodged on such poor lands as to give no chance for prosperity through agriculture. The roll of "mountain folks" who are making good on the plain is constantly growing, while the work of schools like Berea and its kind continue to work unending good.

In spite of their chief avocation, the mountain folks are sternly pious. They are Fundamentalists who take their religion as they do their liquor—straight! Mountain preachers are men of power. A revival is a foaming piece of excitement. Here are our last Primitives!

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A Grace During Living

By MARGARET WIDDEMER

THERE has been, there will be, sorrow;
But yesterday, thank God, to-morrow—
And what way the knife shall turn
And what way the iron burn
And what way the ax shall fall
We do not know, thank God, at all.

Genius at the Guarded Gate

By REMSEN CRAWFORD

NOT very long ago there came to Ellis Island from the overflowing National archives at Washington an unexpected consignment of public records. When the score or more of bags and bundles were opened, it was found that they contained the original enrollments of immigrants who came to this country away back in the days when Madison, Monroe, and several other early Presidents were in office.

The ancient chronicles, long out of date in so far as legal limitations were concerned, had been crowded out by more modern documents and, being of value solely as relics, had been shipped for permanent storage to the Nation's gateway, very near the place where they were first inscribed. There, at the threshold of the New World and in the shadow of the Statue of Liberty, were fittingly buried forever in the Government vaults a partial muster of the men, women, and children who have joined in the making of America.

There is no story to write about the old records. Almost at touch they would crumble to pieces. But they suggest a story of immense interest to-day in the bearing they have upon the question that has been raised, "Has Ellis Island failed?" The new plan of weeding out or hand-picking our immigrants in Europe, tried as an experiment since August, 1925, the higher officials at Washington say, has proved a success. They say that Ellis Island and old Castle Garden before it have had their day, and that the ten-million-dollar plant which nestles close beside the Liberty Statue in New York Harbor will in future times be used only as a place of temporary detention, mainly for the "undesirables" on their way out of the country.

When one reflects that the Carnegies

"The Singing Lad from Scotland"

came near failing to gain entry to the land which made little freckle-faced Andy, then a boy of thirteen, one of the most renowned men of the modern world; that Joseph Pulitzer, the great editor and pioneer in militant journalism, swam ashore at Boston because of some hindrance; that Charles Proteus Steinmetz, master of the electric motor and wizard of the alternating currents, was excluded or detained upon landing here; that Michael Pupin, conqueror of electric intrigues called inductance and teacher of sciences, was held up at Castle Garden as likely to become a public charge—when all these close calls of our truly great men are considered, with the thousands of others not mentioned here, it must be acknowledged that Castle Garden and Ellis Island have failed prodigiously, absurdly, in assizing genius at their guarded gates.

The writer of this article once said banteringly, but good-naturedly, to an old immigrant inspector whom he had known for years on Ellis Island: "Why do you make so many mistakes about that thing we call genius here at the gateway? I suppose if Shakespeare were to come here you would rule him out because of that unpleasant little incident about stealing a neighbor's deer which for a time made him *persona non grata* around his home town."

Drawing out his chest until his bald head looked down from behind, the old inspector, whose lifetime had been spent in sorting out humanity at the Nation's gateway and assizing the character of our future citizens, wheeled around and said: "The law says that any alien who has ever been convicted of or who has admitted committing a crime involving moral turpitude shall be excluded from the United States. Mr. Shakespeare or any other sheep-stealer would have to go back, that's all. Besides, no mortal has ever yet been endowed with the gift of discovering the virtues or the vices of a man by a look in the eye. Men's faults are not written on their foreheads. Genius hides from the gaze of the curious and is often embedded in a physique which any doctor would exclude, just as in the case of Steinmetz."

A very worthy colored preacher who spends his week-days scrubbing floors on

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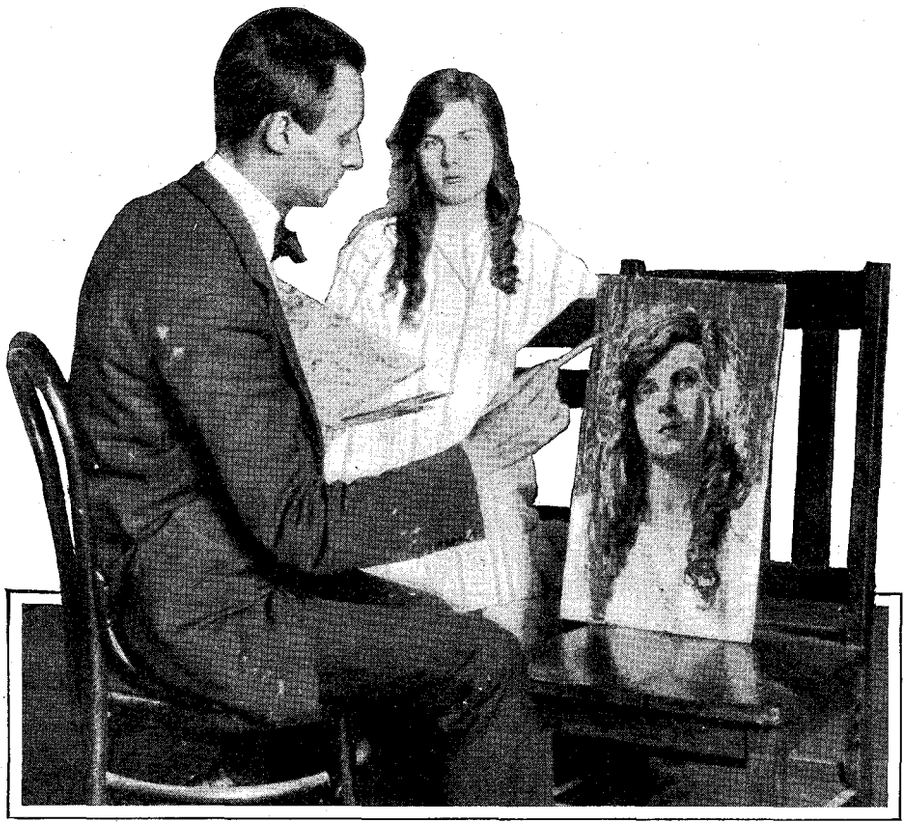

The Man Who Painted the President's Son

Ellis Island and his Sundays sermonizing before a suburban colored congregation had been listening in upon our conversation. He clarified the situation somewhat by observing that "Cain was the first immigrant in this world when he crossed over into the land of Nod; but Cain couldn't come in here at Ellis Island wid all dat criminal record behind 'im, no, sah, and I doubts very much, sah, whether Adam and Eve could make it without making mighty good explanations, sah."

It just happened that my old friend, the immigrant inspector, and I were both late in leaving the Island that night. We were strolling along the sea wall waiting for the next ferry-boat. An unusual quietude reigned about the place as the hour of twilight came on. The babel of voices from over the seven seas had died from the detention quarters, where hundreds of hapless wanderers upon the face of the earth were housed awaiting deportation or, mayhaps, a favorable action upon their appeals down in Washington. The lights flashed on throughout the great immigration buildings and the hospital where six hundred physical or mental defectives awaited the verdict of the doctor's observations.

At such a moment and amid such weird, creepy sensations there was a sudden burst of music from the dilapidated old piano in the Red Cross lounging-room, close by the hospital. Several crippled marines had been playing billiards in the room, but the noisy slapping of their ivories soon stopped. It was real music—that most impressive air which will immortalize Franz Schubert as long as there is a soul to be soothed by "concord of sweet sounds"—Schubert's "Serenade." Never has the melody seemed so appealing to the writer of this article as it did that night with its earnestness of tone, its bewildering modulations, shifting from major to minor keys.

At my suggestion, we strolled back down the sea wall to the Red Cross reception-room, and found to our utter astonishment that the person who sat at the piano sending dreams from his finger tips afloat over New York Harbor was a totally blind immigrant—blind since boyhood.

The old immigrant inspector was flabbergasted. "That's how genius stumps us," he finally observed. "How in thunderations is a board of special inquiry going to tell that a stone-blind man like this can make such music? We can't have pianos strung along the line of inspection to test such aliens, no more than they could have had an electrical laboratory for Steinmetz, nor a newspaper plant for Pulitzer."

When the pathetic story of the blind pianist was printed next morning through press associations in every city in the United States, the American sense of fair play and a free hand to talent was reflected in hundreds of letters pleading for the musician's admittance to the country. Exercising his discretionary powers, Secretary of Labor James J. Davis directed that the Ellis Island authorities release him in custody of his brother in a bond of $500 to guarantee expense of deportation in case he ever became a public charge. This he has never done. The last heard of him by the writer of this article was to the effect that "Professor" Camillone is on the concert stage.

Michele Califano came from Naples, hoping to gain entry to the United States under the exemption granted then to artists. He had been excluded as likely to become a public charge because of partial deafness, and also because he had not satisfied a board of special inquiry that he was, indeed, an artist.

Michele Califano's lucky star began rising when his appeal fell upon such a state of congestion of business before the National Board of Immigrant Appeal in Washington, for if he had not been kept waiting in the crowded detention room at Ellis Island long enough to paint a real picture from life and thus prove himself a real artist he might have been sent back to Naples, where artists are as numerous as taxicabs in New York City.

When the full story of Califano's genius was laid before Secretary of Labor James J. Davis, little time was lost by the big-hearted Cabinet member in letting him come into the United States. Recent inquiry by the writer of this article of his friends as to his accomplishments here brought out the fact that he established a studio in New York, and later went to Washington. There he painted a portrait of the son of the President who died soon after the family went to the White House and presented it to Mrs. Coolidge, who introduced the young painter in artistic circles of Washington to great advantage to himself.

One winter's day while Ellis Island was overflowing with detained immigrants a slim, gawky young fellow from Armenia was found in the back yard beside the detention quarters building up the bust of a woman in the snow-bank of heavy drift. He was of Italian parentage, but had come from that legendary land near Ararat. This fellow, too, had claimed exemption from the quotas as an artist, but his proof had not been very convincing. That morning, while the letter-carrier was going through the daily program of calling out the names of immigrants for whom he had brought mail, this fellow took advantage of the

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moment when attention was diverted to steal out of the back door and into the snow-drift. He was going to build up a woman in the snow and show those doubting Thomases of the special inquiry that he was a bona fide sculptor. With no tools save his long, slender, snake-like fingers, the lad soon shaped the features of a Greek goddess and squared off the shoulders in quite a professional way. He was admitted.

None of us will ever forget the day that brought little Alexander Milne, the singing lad from Scotland, to Ellis Island, nor the day he left there to sing his way into the hearts of America. The youngster had come over with his father, mother, older brother, and younger sister. The family had no particular plans for the future—just packed up and left braw and bonnie Scotland because times grew hard and it was difficult for Papa Milne, a cab driver in Edinburgh, to educate the wee ones and at the same time keep the wolf from the door. Arriving in New York, the Milnes were all sent to Ellis Island because of some slight physical defect discovered in the father and the really critical illness of the mother. Clearly, the whole family might become public charges here, so they were all ordered deported, the children as "accompanying aliens."

Alexander slyly approached one of the immigration inspectors one day during the long, tedious period of waiting for their appeal to be answered from Washington and asked him if he wouldn't arrange it so that a few songs might be sung during the noon-hour recess in the big hall of inspection, close to the Commissioner's office. He was told to cut loose, and began with:

> So, they sent me off to school
> For to learn the golden rule
> In the troosers that me fither used to wear.

Instantly the song was a hit. Five hundred eager, anxious immigrants sitting in rows awaiting their turn for inspection for the moment forgot their complicated misery and misfortune and cheered the boy rapturously and uproariously. And then he sang "Me Ain Wee Hoose," and those who knew of the broken-up home of the Scotch family, now excluded and sent back to face the bitter pangs of poverty after such high hopes of prosperity in this land of opportunity, felt a lump in their throats. The Commissioner at that time heard the boy as he stood in his kilties, his clear, sweet, far-reaching voice casting a spell over the multitude gathered from everywhere, and approached him.

"Gin you're acquent wi' Sir Harry Lauder, just tell him that he has got a rival," said the boy from Edinburgh, winking one eye as he looked up at the official. The next Sunday Alexander was invited to sing on the platform at the regular concert given then for the hundreds of detained immigrants. Among the talent appearing for that day's program was Gus Edwards, actor and theatrical producer. He went to Washington and made a personal appeal as champion of the child's genius and talent, and won out. Under the stage name of Sandy, Alexander has been singing on one of the largest of the vaudeville circuits.

The Statue that Opened the Gates

And so it goes at Ellis Island when Genius comes knocking at the door.

Hundreds have been held up as likely to become public charges who have grown rich—become millionaires—in the United States. George West, the man who owned fifteen or twenty paper mills, spent some time waiting at the gates. Finally admitted, he got a job in a paper mill in New Jersey, and walked three miles every morning to go to work, earning seven dollars a week. Later he invented at Berkshire, Massachusetts, some process of putting a gloss on paper. He died a millionaire, after serving in Congress two terms from an up-State district of New York. Morris Gest, who puts on the most prodigious theatrical productions, was held up at Boston when two aunts had brought him here because he was a "headstrong child, and refused to go to school in Russia."

Libraries are filling with such narratives of how celebrities surmounted the immigration barriers.

Not long before he died the late Andrew Carnegie, while in a sociable mood, told the writer of this article about the difficulties of his father's family when they came to America. There was really nothing very much the matter, surely nothing to complain of, but Andy never forgot that waiting around Battery Park and remembered to the day he died the glass of sarsaparilla a sailor treated him to at a soft-drink stand presided over by an elderly woman. He said that in later years sometimes when he would be in the financial district of New York City attending directors' meetings, having

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then grown to be a millionaire, he would steal away from the plutocrats and the great captains of industry and go down to the Battery and gaze fondly once more upon the spot where he had drunk that glass of sarsaparilla—"for," he said, "it was the best drink, the most buoyant and gladsome drink, I have ever tasted."

The Old Gray Cat

And the Road to Peking

By BERTHA S. ALLEN

Peking, China,
April 23, 1926.

YOU may be interested to know how we reached Peking, and why we wanted to reach Peking just now, when there is fighting all about and the contending armies have made travel to the capital uncertain and disagreeable, if not impossible. We were going home—home to Peking. After a year's visit in our native land, the call to return to the great wonder city of China was too strong to be resisted. We were not lured so much by the thought of the temples and palaces and gardens and busy streets, as by the persistent vision of a little bright-red door in a long gray wall and the knowledge that when we let fall the shining brass knocker we should hear the wooden bar drawn back, see the door swing open, and, standing there smiling, would be our comfortable old "boy" in his nice white coat, and behind him the cook and the rickshaw man, eagerly welcoming and helpful—three trusty caretakers.

We had left the little Chinese house in the care of the old gray cat, but the "boy" was there to tend the cat and the cook to feed him and the rickshaw man to take him a ride if he wanted to go, which he never did, being fat and lazy and rather nervous. We could imagine the thrill we should feel when we passed through the red door into the first courtyard, then into the house with its quaintly patterned windows, carved arches, and familiar treasures of years of gleaning; then on to the main courtyard with its trees and bushes and stands of flowers, its rockeries and stone basin of goldfish, its wicker chairs and table laid for tea, and in the center of all, basking in the eternal sunshine, the old gray cat himself, calm, serene, unmoved by rumors of turmoil and war.

Such imaginings were not to be resisted, and recklessly, as it seemed to our family and friends, we bought our tickets and fared forth on the long journey.

AT Honolulu there was news of mines in the harbor at Taku. Not a pleasant thought indeed, so we thought of something else. Later came radios telling of nineteen foreign war-vessels gathered about Taku. This was reassuring. With special wisdom, we had decided not to go on to Shanghai, as is usual, but to change at Kobe to a small Japanese boat going straight to Tientsin—via Taku and those mines, to be sure, but there was, in any case, no other way of entry. Travel agencies in America take no account of small Japanese boats, so we had only our previous experience to go upon; but friends were expecting us, and radios began to fly between Tientsin and Kobe on our behalf, and passage was secured on the little Hokurei Maru, and, with only a day to spare, we started on our last lap of five days, with six other Anglo-Saxon passengers. Then came two perfect days in the Inland Sea, with a stop for cargo and coal at Moji, lying in the narrow strait between Moji and Shimonoseki.

Passengers are not encouraged to go ashore at Moji. Nobody forbids it. One is told courteously that one may go by the launch. There it lies gleaming white alongside; but there is only a rope ladder dangling in the air from which we might leap aboard over a considerable width of water. Watching some of the crew perform the feat, one decides promptly that Moji is not worth seeing.

After the Inland Sea comes the day along the Korean islands. We were fortunate in having a perfectly smooth sea—oily smooth—on which the islands seemed to float, light as clouds, in a delicate shimmering mist. Then came a half-day of roughish sea as we passed the Shantung promontory; then more quiet weather, and on the morning of the fifth day we knew we were all but at the Taku Bar; but so flat does the land thereabout lie upon the water that one cannot see it. Boats of all kinds rode at anchor or went sailing by; then quite suddenly one saw a long, flat tongue of yellow mud—China! Tales of mines were forgotten; we thought only of getting over the bar. Then we were over and steaming slowly up the narrow, winding Peiho between its flat shores, cultivated to the river's edge and looking their best in the sunny April morning. Fruit trees in blossom everywhere; not in stiff rows, but in lovely groups and dotted about singly among other trees which were still gray—all but the willows, brilliantly green; patches of blue-green and yellow-green vegetables in the tiny gardens; quaint little houses clustered together, plastered over with the yellow earth from which they rose and scarcely distinguishable from the ground itself. This was the China we loved. We had hoped for five hours of it, but within the first few minutes we were conscious of a thickening of the air, a yellow veil over everything, a rising wind. Inside of half an hour a genuine dust-storm, those torments of North China, was in full force. The landscape was obscured and finally obliterated, and we were driven from the deck. Now, indeed, we knew we were at home.

BY the time Tientsin was reached the dust-storm had moderated. As we moved slowly past the foreign concessions, foreign gunboats, little and natty, were lined up along the Bund. There is no room for larger craft in the narrow river.

Friends to meet us and all the usual bustle of landing.

What was the chance of getting on to Peking? That was the important question. No trains running; but a friend going up with a truck-load of goods and two new Fords was ready to fill them with passengers willing to risk the day-long ride through soldier-infested country over the worst kind of road or no road at all, and take the chance of not getting through, after all, and having to turn back or sleep in Chinese hovels. Here was real adventure for any one with red blood and high spirit. We were all agog for it, and sent a wire to friends in Peking to say we were coming and please to notify our servants. After several hours a message came from the telegraph office in Tientsin, asking if we really wished to send the wire, saying

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that the line to Peking was cut and the message would have to go via Shanghai, Nagasaki, Vladivostok, and Irkutsk, and down through Mongolia to Peking; that it would cost nine times the usual price and take three or four days in transit. We said we did not wish to send it.

We were to start in three days. The interval was taken up in arranging for our trunks to go how and when they could; getting consular stamps on declarations; buying pillows to bolster us against jouncings; ordering food and drink, dust-glasses, veils, and cold cream. It was thrilling. Adventure was in the air—around the corner.

THEN at luncheons and tea parties we began to hear tales—uncomfortable tales, depressing, ghastly. Some people who had attempted the trip by car had reached the gates of Peking after the closing hour, and had to stay outside all night in a filthy temple. One friend, belated by the roughness of the road and a dozen blowouts, ran for miles on a flat tire; the tire fell off, and he ran on the rim; the rim fell off, and he ran on the spokes; then—well, he was still fifteen miles from the gates. He dug out a couple of rickshaw men, hiding in a village, and, flinging his bags into one rickshaw and himself into another, pressed on, only to find the gates closed.

Who among good, home-staying Americans, used to our open cities, can grasp the feelings of a belated traveler when he finds himself shut out by those stupendous gates, the mighty tower frowning above him and the immense walls stretching away on either side? No pleasant, cleanly inn to shelter him in his disappointment and chagrin! Only a few poor houses or shops, forming a wretched suburb, dirty and ill-smelling at the best of times; at present noisome in the extreme from the presence of soldiers and unsanitary conditions, harboring vermin, breeding disease.

More tales! more tales! Somebody's Chinese "boy" whom we all knew had been caught by soldiers, tortured, and then shot.

People talked of the number of beheadings about Tientsin. At a tea party a lady said, "If you have all finished, would you like to hear a story?" We would. She said: "You know little Johnny S——, out at Hsiku? He's an American boy, aged nine. I asked him if he were not lonely now that the other children had been sent away. He said: 'Oh, no. There is plenty to see. My dog brought in a head the other day; the dogs often bring in heads.'"

In these ways the charm of our adventure died out; our hearts were chilled. Our Consul was said to disapprove of ladies attempting the trip. News came that a car had been fired on. This was the last straw, and we gave up our places in the Ford. They were eagerly snatched by others braver or less cautious than we. As we said good-by to them and wished them good luck, and said how furious we should be with ourselves when we heard of their safe arrival, one of the men said, gayly, "We should, of course, get killed in order to justify your caution." They got through all right; but firing had begun before they reached the gates and the driver of the truck following them was shot in the leg. They were the last travelers into or out of Peking for a week. Even the mails were stopped. After three days it was decided to send them in a roundabout way via Paotingfu. They started in a big lorry; after a certain distance they were to be transferred to camels, then farther along to boats, and finally to a lorry which would get them into Peking. I suppose they got there. We never heard that they did not.

SCRAPS of news percolated down to us by radio or through those mysterious secret agencies known in the East. The worst was that there had been bombing. It did not seem serious, but thirty people were killed. A bomb had fallen in our street, badly frightening two old women. As our street is only one block long, we thought this altogether too near home, and believed we knew two other old women who would have been badly frightened also.

But the tendency here is to make jokes of all these mishaps. Chinese broken-English wording of any incident turns it into a jest. When one's "boy" says solemnly that "a bomb spoilt a woman in the back" or "broke a man's clothes," one feels sympathetic, but turns away to hide a smile and passes on the tale. A whole nonsense book might be written of the happenings of these times, and yet there is much real suffering, mostly among village people.

After a week, when the trains began to run, not regularly, but now and then when an engine and some cars were obtainable, they were so dirty and crowded and took so long to go the ninety miles to Peking that we waited two days longer, until the first rush should be over. Then we combined with four other American ladies and engaged a compartment, provided ourselves with food and water enough for a possible twenty-four-hour journey, and joined the eager throng at the station.

THE train was crowded; people sat on their luggage in the passages, stood on the platforms and clung perilously to the steps. Nevertheless it was not an uncomfortable trip—for us. It lasted only eight hours and was singularly devoid of excitement.

We passed train-loads of soldiers, some in open cars with tents pitched over one end, looking quite cozy. We passed also on a siding a train of armored cars, manned by Russian soldiers, the most villainous-looking people I ever saw. All along the way the villages were full of soldiers, who had taken possession of the houses; not a woman nor child to be seen and few of the village men.

Hour after hour we gazed at the flat, monotonous plain, seeing on the horizon that curious illusion of water with islands and half-submerged trees.

Then at last, in the late afternoon, to the northwest we saw the hills; then the wall of the Chinese city; then we were through the wall and really inside the outer city, but apparently still in the country, though the villages and graveyards and temples and little cultivated gardens were closer together. Then, with exulting hearts, we saw a gate tower far away; then the Tartar city wall; then the triple blue roofs of the Temple of Heaven, rising over the wall among trees, dreamlike in the glowing light. Then slowly the train passed on, made a complete turn by the southeastern gate, and ran back slowly, slowly, close beside the great Tartar wall, bastion after bastion coming into sight and being lost to view. The Hatamen is passed, with its crowds of people waiting behind the closed barriers, gazing up at the train as it goes by; the Water Gate is passed, and then quietly the train stops.

There was nothing in outward appearances to mark a difference between the arrival of this train and that of any other these many years past. All was peaceful and quiet. People were going about their business as usual. No soldiers visible. We got into waiting rickshaws, and with sighs of perfect contentment were drawn along through the familiar streets.

Here at last is our own narrow street, the long gray wall, the red door, the brass knocker, the welcoming servants, the quaint Chinese house with its sunny courtyard, and here, indeed, is the old gray cat. We are at home

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The Book Table

Edited by EDMUND PEARSON

William Roughead and his "Fatal Countess"

TEN or twelve years ago it was my good fortune to run across a book called "Twelve Scots Trials," by William Roughead. I seized it with great joy, read it through, and since that time have read the greater part of it, over again, four or five times. In the interim there have appeared, by the same author, "The Riddle of the Ruthvens," "Glengarry's Way," and certain volumes in the Notable British Trials Series, especially the trials of Mrs. M'Lachlan, Mary Blandy, and Burke and Hare. In these Mr. Roughead edits the report of the trial and contributes a long and careful introduction.

It happens that I have a weakness—a deplorable weakness, I am sometimes informed—for reading old criminal trials. So it would not be surprising that I should enjoy Mr. Roughead's books and recommend them to any of my friends who might share this taste. But while the mere record of proceedings in court is often amusing, or even exciting, if the work of this author were a mere editing of the record it is doubtful if I should constantly urge people to try his books. It happens, however, that Mr. Roughead, a Scottish lawyer ("Writer to the Signet," as he is called in Edinburgh), is also an antiquarian, learned and curious in the history of his country, and, above all, a literary man whose talent attracted the admiration of Henry James and Joseph Conrad—to mention but two of his enthusiastic readers. This is a rare combination; a very rare combination. Some of his interests and abilities have existed in one or two other writers in Great Britain; they have rarely, if ever, met in one man in America. Our lawyers, if they condescend to literature at all, often turn to history or fiction. Our professional literary men, if they permit themselves to write about crime, feel that they must dress it up as fiction—as did Mr. Theodore Dreiser, but recently, in "An American Tragedy." Descriptions of actual crimes have been left to the hurried journalist, who has perforce to be sketchy and inaccurate. I have lately seen horrified comments from a gentleman writing some reminiscences of Celia Thaxter, because that lady wrote an account of an actual murder. He thought this "a strange subject" for her to choose, although it did not occur to him to criticise Shakespeare for writing an entire play about a murder. Why it is permissible to write a play or a novel about crime, but undignified or "morbid" to write an historical essay on the same subject, is a matter which I should gladly hear explained.

The two books of essays previously mentioned ("The Riddle of the Ruthvens" and "Glengarry's Way") are by no means unrelieved chronicles of crime. Like the new volume, "The Fatal Countess,"[1] they include papers of historical interest and of literary criticism. Since Mr. Roughead now has a widening circle of readers in this country, and since Messrs. E. P. Dutton & Company have had the good judgment to bring out three of his books here, it is probably unnecessary to explain that his writings are neither gloomy, morbid, nor horrifying. They do not belong in the class with Toddy's description of the death of Go-

[1] The Fatal Countess, and Other Studies. By William Roughead. E. P. Dutton & Co., New York. $4.

The portraicture of Robert Car Earle of Somerset Viscount Rochester Knight of the most noble order of the Garter &c. And of the Lady Frances his wife.

From "The Fatal Countess" Courtesy E. P. Dutton & Co.

The Earl and Countess of Somerset

From a rare print by Elstracke in the British Museum

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liath, in "Helen's Babies," where everything was "all *blug, blug, blug.*" He comments upon his wicked folk without mawkish sentimentalism, but with a pleasing twinkle. His literary references often require for their complete enjoyment a better acquaintance with Scottish literature, and especially with Sir Walter Scott, than I am fortunate enough to enjoy. For that reason I feel safe in recommending him to such lovers of Sir Walter as my senior associate, Mr. Lawrence Abbott. But he is of my generation in his admiration for Gilbert and Sullivan, and for such plays as "The Importance of Being Earnest."

Mr. Roughead's books of essays are of considerable size, and always well presented in type. Their peculiar quality, which I find so very charming, is a little hard to describe in a few words; least of all, in any of the catch-phrases of the writer of book reviews. The best method to describe it, which I can command, is to say that each of his books is contrived to make a reader, after a few moments' examination, say to himself:

"This is the kind of book to read on a long winter's evening around the fire. I wish to be quiet and uninterrupted while I read it. If I do not have that good fortune I will read it anywhere and under any circumstances. It is a good book to read aloud, to one or two persons of the right sort. There is something, as I can see, mellow and mature about it. It needs a comfortable armchair, a pipe, and the pleasant, mysterious shadows of my library for its complete enjoyment. This has been said, I am well aware, of many books; it is peculiarly true of this one. And it is a rare quality among the books which are being published to-day."

This may seem to imply that Mr. Roughhead's books are especially for elderly and leisurely persons. While such as they will surely enjoy him, I must point out that the quality needed in his readers is merely the ability to enjoy a good old tale well told. Very young men have been found in quiet corners of the Widener Library, at Harvard, reading Mr. Roughead; he is a favorite with one of the wittiest writers of dramatic criticism in New York; and he is read and admired by persons of widely diverse tastes—women novelists, actors, librarians, lawyers, business men.

For the present volume, I prefer to leave it to its readers to discover its merits. "The Fatal Countess" is that Countess of Somerset, earlier the Countess of Essex, who was the central figure in one of the most extraordinary mysteries in history: the poisoning of Sir Thomas Overbury. Personages in the drama were so exalted in station, and the circumstances so strange, that it might almost be called the premier murder, if not of the world, at least of Great Britain. Other essays in this book include an odd and amusing story of a Victorian breach-of-promise suit; a portrait of an eccentric character of old Edinburgh called "Indian Peter;" one literary and one ecclesiastical item; and two fine murders—an eighteenth-century poisoning case, called "Laurel Water," and a puzzling adventure on an island near the harbor of Dublin.

E. P.

History

SOLDIERS OF THE PLAINS. By P. E. Byrne. Minton, Balch & Co., New York. $2.50.

This is a plea for recognition of the Indian of frontier days as a courageous fighter, an efficient soldier, and a victim of the treaty-breaking white man with a rapacious desire for the Indian's lands. Like most pleas, it is overdone. The sweeping statements so confidently made relate to matters which are an endless subject of controversy. Treaty-breaking was quite as common a practice among the reds as the whites; perhaps most of the intertribal wars were based on real or imputed violations of agreements made over the solemn pipe of peace. Many wars were for hunting grounds; and it is doubtful if any one of the savage tribes could show an ethical right to its land. What it had it got by conquest. The Sioux, for whom the author appears as special advocate, were an imperialist people who dispossessed many tribes of their territories, and the war in which they were finally vanquished by the whites was due in large measure to the appropriation by the Sioux of all the Crow lands east of the Big Horn River. That the Indian was a fighter none will dispute; but in his savage state he was in no sense a soldier. He wanted tremendous odds, either of numbers or position; he was not amenable to discipline; he was, generally, a poor marksman; he lacked persistence, and he soon tired of a particular job of fighting. The Custer battle, an account which forms so large a part of this book, furnishes an excellent illustration. Custer was overwhelmed by sheer weight of numbers and armament. This advantage should have enabled the Indians to annihilate Reno on the same day or the one following, and Terry on the third day. Instead, they did not press their attack on Reno, and, though outnumbering Terry by at least seven to one, they fled on his approach. The book is over-laudatory of the Indian, and it is unjustly censorious of Custer. Nevertheless it is not a book lightly to be dismissed. It is one of those controversial works with which one may wholly disagree and yet read and remember with interest and a certain appreciation.

Fiction

THE TESTAMENT OF DOMINIC BURLEIGH. By Godfrey Elton. Houghton Mifflin Company, Boston. $2.

A subtle and powerful piece of character depiction. It begins so deliberately and develops its purpose so slowly that it may not at once receive the reward of praise it deserves. Dominic Burleigh is a facile, agreeable fellow who pleases people, and thus is overestimated as writer and college don. He comes to think he really is a genius. Then comes the war. He finds out that he is a coward, yet he enlists in the Territorials, sure that they won't go to the

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front. But they do; and he is too timid to resign! He is in command of a small section of trench, is cut off at each side, knows that to retreat is to die, sticks it out *through fear*—and gets great glory, medals, and promotion. But later in the war his soul is searched by the strange life he leads in No Man's Land, where deserters of all armies hide like beasts in deserted dugouts. When he gets back to England, he has lost all his self-assurance. He finds that a high-minded simple girl still loves him, and he becomes a straight man of honest purpose and modest nature. There is genuine imagination here; we believe Mr. Elton has a future in literature.

SUSAN SHANE. By Roger Burlingame. Charles Scribner's Sons, New York. $2.

Susan Shane is the female type of the great American go-getter. The story of her life is the slow progress of a woman against great odds. A miserable childhood spent on an impoverished farm, nursing her ailing mother, indigent father, and squalling, dirty brother and sister, fills her with a passion for money, which, contrary to belief, seems to Susan the antidote for all evil. At eleven the egg money fails to satisfy her, and she is planning to have a shop and sell the same ice-cream on daintier plates for five cents more than any one else in town. Bernard Moore, one of the wealthy summer residents of Glenvil, recognizes in the child, then peddling her own home-made pastries, the inherent qualities of success, and lends her the money to start a shop.

On an adjacent farm lives young David Cord. He is a potential sculptor. The love affair between Davie and Sue is a sickly thing of long standing. Recognizing even then the great snare set to trap the feet of the business woman, Susan prays passionately, "Mother of God, hear me swear from now thenceforward to let no weakness, no love of man, nothing of any kind at all, interfere with my life and my business and my great success. Ave Maria, ora pro nobis! Amen." Many things do interfere momentarily with the success of her several stores, but her dream of having a restaurant in New York with "Susan Shane" in gilt letters on the door comes true. Hard-boiled Susan overcomes the weakness of her love for David, and the end is marriage with Bernard Moore, who can give her her youth's desire—"a full-length mirror, a dressing-table covered with silver, silk to wear, and expensive perfumes." The author has painstakingly developed a vivid, if unsympathetic, personality. The steps in her career have a mechanical sureness. Susan herself is a humorless exponent of efficiency.

PORTIA MARRIES. By Jeannette Phillips Gibbs. Little, Brown & Co., Boston. $2.

"Portia Marries," by Jeannette Phillips Gibbs, written to prove that a career and marriage, with its family obligations, are not incompatible for a woman, may be taken as an answer—perhaps intended—to Mr. Hutchinson's "This Freedom," written to prove that they are. Both authors establish their point, since characters may be created to support any theory, but Mr. Hutchinson is perhaps more convincing. Mrs. Gibbs, who is the American wife of A. Hamilton Gibbs, author of "Soundings," writes from personal experience, but in her own case she limits her law work after marriage to writing briefs for other attorneys, while Miss Thorndike, in the story, curtails her professional work not at all. A week-end suffices for the honeymoon, and when her children are born there is a skip of seventeen years to permit them to grow up and be educated. The process is not divulged. So the author fails to demonstrate her proposition in detail. We know that means to provide proper helpers are not wanting, for both parents are

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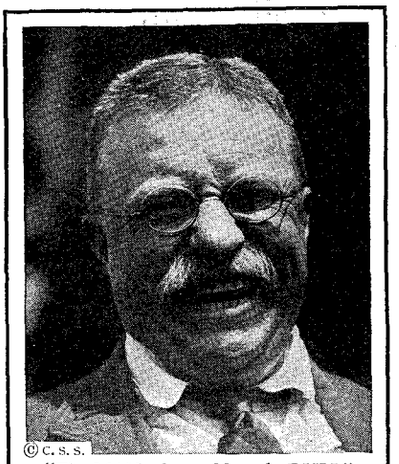
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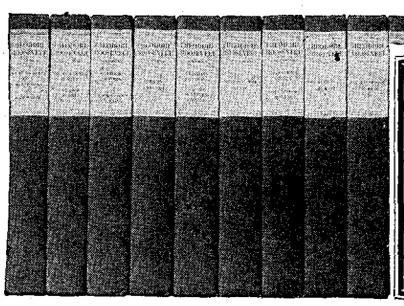

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money-makers, and Miss Thorndike—in private life Mrs. Kent—is too clever a woman to fail in making a pleasant home for her family; but whether it is possible for the mother of a family, not a super-woman, to repair to her office every morning, as does her husband, rise to eminence in her profession, and bring up a family successfully, as Miss Thorndike is made to do, still remains to be proved. Mrs. Gibbs has written an entertaining story, and she may cite instances in real life in support of her theory, notably that of ex-President Taft's daughter, Mrs. Manning, who with a family on her hands carries on her duties as Dean of Bryn Mawr. Incidentally, almost a counterpart of Paul Leicester Ford's well-known description of his heroine's eyes in "The Story of an Untold Love" as "too dressy for the daytime," we find in Jane Thorndike's eyelashes, which are "too long for daytime wear."

THE CHARWOMAN'S SHADOW. By Lord Dunsany. G. P. Putnam's Sons, New York. $2.

This book is "of the stuff that dreams are made on." The story takes place during the Golden Age in Spain, when magic was firmly believed in, and fearfully respected. "As sin increases on earth the need for gold grows greater." With these words the "Lord of the Tower and Rocky Forest" sends his son Ramon Alonzo forth to get gold for the dowry of his sister Mirandola. Ramon comes to the forest hut of a great magician, who promises to teach him the secret of making gold in return for his shadow. Collecting shadows is the sinister passion of this master of the Black Arts. Despite the doleful warnings of the "shadowless charwoman who minded that awful house," Ramon Alonzo gives up his fine, sleek young shadow in exchange for one which the master cuts out of the gloom in the air to fit him. Wherever he goes the false shadow, which will neither shrink nor stretch with the sun, sets the hand of all men against him. The master keeps his locked box of shadows in a dim cobwebby room. Ramon realizes now that he must have back his own and the pitiful charwoman's shadow. He steals in and by an incantation forces the box. "Then he opened the lid of the box a little way and took out a shadow in finger and thumb by the heels, as he had seen the magician hold his." There were limp fluttering shadows of all sorts of folk which he laid on the floor. Ramon falls in love with one of the shadows, that of a beautiful girl. It proves to be the charwoman's own shadow, stolen from her as a young girl. With her shadow back, Anemone's flesh takes on the lines and beauty of the shadow, and the lovers run away from the wood to happiness ever after. Among an increasing number of realistic novels, this illusive fantasy of Lord Dunsany's is a delight to the imagination.

Travel

EAST AND WEST OF HELLESPONT. By Z. Duckett Ferriman. Houghton, Mifflin Company, Boston. $5.

It is to be hoped that people who like to buy books will like to buy this one, and the remark is made in the full knowledge of what may happen to thoughtless people who go about indorsing travel books—the Putnam's 'll get 'em ef they don't watch out! Seriously, books as good as this are not yet frequent enough to be passed without comment.

Z. Duckett Ferriman is an old hand on a journey. He seems to have been taking trains and going places and doing things ever since bustles went out. Indeed, he admits with candor that the first typewriter he ever saw was in the United States' Consul's office at Jerusalem, and it was from a Turkish military band on the

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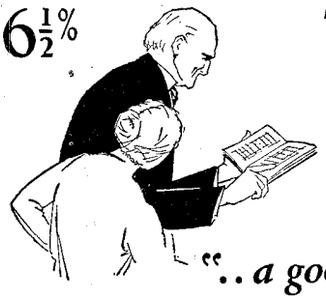

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Mount of Olives that he first heard Offenbach. But these very places that Mr. Ferriman knows so well are the ones that we, if we make a pretense of cultivation, should know better. The Sargasso Sea has many fascinating fish, and the Desert of Gobi is rich in ancient eggs, undoubteldy, but a man may step out quite bravely with poets, philosophers, and historians and be quite ignorant of both places. That is not true of Jerusalem or Constantinople, of Smyrna, Alexandria, Prusium in Bithynia, Anatolia, Missolonghi, or Mount Olympus. These and the other places that are so intimate to Mr. Ferriman are the nurseries of our civilization. Perhaps a glimpse of the hills and streams that Bion and Theocritus knew, or it might be the pilgrims at Bethlehem, would be almost as successful at a dinner as fifteen minutes of Elbert Hubbard's Scrapbook.

Sociology

THE INTERNATIONAL LABOR ORGANIZATION. A Study of Labor and Capital in Cooperation. By Paul Périgord. With an Introduction by Henry M. Robinson. D. Appleton & Co., New York. $3.

This is a thorough study of the organization created by the Versailles Peace Treaty for the consideration of labor problems by representatives of the different nations and peoples. An historical sketch is given of the earlier efforts toward this end, which had their first notable result in the founding (1900) of the International Association for the Legal Protection of Labor, of which our American Association for Labor Legislation was a federated part. The work of the commission which drew up the Constitution of the new body is related in detail; the functions and activities of the organization are described, and a summary of the results is given. A long chapter deals with the criticisms, both from the conservatives and from the revolutionists, that have been leveled at the organization. The failure of the United States to take the part of a full participant in the work, instead of that of a cautious onlooker represented by an official "correspondent," is to the author a source of deep disappointment. A feature of great value to the book is the interpretative introduction by Mr. Robinson, who is the President of the First National Bank of Los Angeles and was, with Mr. Gompers, a member of the commission which planned the organization.

THE UNITED STATES OIL POLICY. By John Ise. The Yale University Press, New Haven. $7.50.

It is not only the Government's policy regarding oil that one will find treated in this exhaustive work; it is also pretty much everything else regarding oil that any one wishes to know. About the only thing missing is a treatise on the formation of the oil deposits. The author has evidently lived laborious days at his task; he has garnered from a wide field, and he gives his facts and conclusions with simplicity and clearness. The chronicle of Federal activities regarding oil is necessarily a brief one, since for many years the Government had no oil policy whatever. Even Roosevelt in his earlier conservation proposals ignored the subject, and seems to have become aware of its importance only in the closing months of his term. By one of those ironic antics with which history provides us from time to time, the first definite act of Federal intervention was taken by President Taft at the instance of his Secretary of the Interior, Richard A. Ballinger. This was the withdrawal from entry of certain oil lands by Executive Order in September, 1909. Next year came the Pickett Act, approving the withdrawals, but another ten years followed before the matter was again acted upon in any

Napoleon Bonaparte, born 1769, died 1821. One of the world's greatest generals. Also one of the world's greatest Oyster Eaters.

Before each battle he ordered Oysters

IT'S PRETTY generally conceded that Napoleon was a great man. He had his faults and his fortes—as most of us are aware—but there's one thing about him that has never been given the publicity it deserves. He was a *great* Oyster Eater. He ate oysters because he liked them, *naturally.* He found that they "hit the spot"—just as they "hit the spot" with everybody else who has a palate that likes to be pleased.

But Napoleon was just clever enough to realize, too, that this pure, wholesome sea food which we call the oyster—always left him feeling fit the next day. He discovered that they were both good to eat and *to have eaten.* That they were the happy combination of a favorite food for the palate and a favorite food for thought.

Of course there were many important facts about the oyster that Napoleon *didn't* realize—as for instance that it contains 200 times as much iodine, a most important essential to human vitality, as milk, meat, or eggs—but just the same he reached the right conclusion. *He ordered oysters often.*

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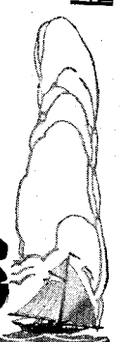

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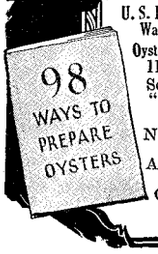

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comprehensive way. To the author the present situation is in most ways unsatisfactory; the oil deposits are rapidly becoming exhausted, there is criminal waste of the product, and there is no known substitute. Conditions demand the most rigorous measures of conservation, and, though this end may to some degree be served by the rationing of the product and by a tax on its marketing, the vital need is for Government ownership of the oil lands. He has small expectation, however, of any remedial action in the near future; "all the weight of human selfishness and shortsightedness is against it." Not till the pinch of scarcity is acutely felt, he believes, will the public awaken to the seriousness of the situation and demand an accounting.

Law

THE SUPREME COURT IN UNITED STATES HISTORY. By Charles Warren. New and Revised Edition. 2 vols. Little, Brown & Co., Boston. $10.

This is a new and revised edition of a standard work. It covers the history of our Supreme Court from 1789 to 1918. The first edition was copyrighted in 1922.

Nature

WHITETAILED DEER. By W. M. Newsom. Charles Scribner's Sons, New York. $3.

Sportsmen and naturalists will find in this book practical hints; animal lovers at large will rejoice in the photo-engravings and drawings; the general reader will enjoy the hunting adventures and agreeable narrative. If anybody thinks he knows all about the whitetail or common Virginia deer, let him see how many of the twenty-two questions on the back jacket page he can answer—for instance, "What is the worst breach of etiquette when you are with a crowd, driving deer?"

Children's Books

ON TO OREGON! THE STORY OF A BOY PIONEER. By *Honoré Willsie Morrow*. William Morrow & Co., New York. $1.75.

It is a reviewer's commonplace to speak of a book as one that will please both young people and grown-ups, but that is a precise description of Mrs. Morrow's new story. John Sager's father and mother died on the covered-wagon journey to Oregon. John, a boy of thirteen, carried on. It was in the early days (about 1845) of Kit Carson and Marcus Whitman, both of whom aided young Sager. John had been a trying and disobedient son, but he roused himself to do what his father had planned. He had five sisters and a brother, all younger than himself, one a baby. They helped him a little; he bossed them a great deal. What they went through and how they did it makes a thrilling tale. John was a pioneer, all right! That the author makes his achievement seem possible is a triumph of story telling and close attention to detail.

BOY EXPLORERS IN THE PIRATE ARCHIPELAGO. By Warren H. Miller. Harper & Brothers, New York. $1.75.

This is the sixth of the Boy Explorers series. Evidently most boys like the adventures of Dwight and Nicky, and those who do will want this book next Christmas. Malay pirates furnish the adventure and natural history the background. It is a capital story for boys and for girls who like boys' books, as most of them do.

KOOTENAI—WHY STORIES. By Frank B. Linderman. Charles Scribner's Sons, New York. $2.

Handsomely printed and finely illustrated, these Indian legends are told for boys by a writer who has known the tribe for half a lifetime, is their trusted friend, and is an adopted member of the Kootenai.

Free for All

The Arsenal that Exploded

Some More Comment on our Comment on the Lake Denmark Disaster

TRUE enough that a shell detonates solely by fuze and added "gain." Purposely, however, it is made extremely hard to detonate amatol, and harder still to set a time fuze burning without the tremendous shock of discharge from the gun. First the "cover" must be torn off the fuze proper, then the fuze must be set to time or graze, last of all the stirrup *must* be broken down; and this last cannot be accomplished without the violent shock occasioned by discharge from the cannon.

Intense heat would likely liquefy, and therefore nullify, the complicated fuze mechanism in some shells intensely complicated with "shutters" and "delay action" mechanism. Remember that, unless confined to form the requisite gas, you can burn amatol or TNT as in an open fireplace without danger of explosion. The above relates to HE, or high explosive shells. As to shrapnel or "fixed rounds," the shell itself does not explode, but the lead bullets are driven forward, when the fuze actuates, by a charge of gunpowder concealed in a cup in the base of the shell. In neither case can the fuze actuate without an equivalent to the shock of discharge given by the gun.

I would say that there is a greater danger arising from a "plugged" than a fuzed shell when held in storage. In "fixed rounds" there is also a propellant charge of cordite, or NCT, in the cartridge case, which itself is detonated by an unprotected primer cap. However, the danger from this source is practically negligible, as was demonstrated when the enormous shipments of 18PR ammunition were made to France from Canada without the slightest mishap. Either the Du Pont or the Nobel people would tell you that the only way to eliminate risk is to eliminate both the direct and indirect fire hazard, and that is not wholly possible. Arsenals should not exist near centers of population at all. Despite this, actual manufacture is carried on in the thickest centers of population both in England and over here. A. E. HOWARD.

Late H. M. Ministry of Munitions.
Gun Filling.

Brooklyn, New York.

Contributors' Gallery

BERTHA S. ALLEN has lived in China for many years and is one of the best-posted authorities on the country. Her father-in-law, Dr. Young Allen, is the head of the Education Department of the Chinese Government and is the author of a book on the war between China and Japan, written in Chinese—an accomplishment which no other foreigner can claim.

MARGARET WIDDEMER, who has been a frequent contributor to The Outlook, has written a new novel, "The Gallant Lady," which has been running serially in the "Good Housekeeping Magazine" and is now published by Harcourt, Brace & Co.

CHARLES E. CLARK, the author of "In the Toils of the Law," is a Professor of Law at the School of Law, Yale University.

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By the Way

JACK BENNY tells of a fellow living in Los Angeles. This fellow heard that his mother, who was visiting in New York, had suddenly become ill. Hopping on his bicycle, he rode day and night until he arrived in New York. The doctor informed the son that only California air would help his mother, and that she was too ill to travel. What was he to do? He let the air out of his bicycle tires and his mother, breathing that California air, promptly became well again.

Another wonderful accomplishment of California air:

Some time ago a request was made to the City Council of Venice, California, for funds to buy six gondolas for the canal there. The amount was about $1,000. A councilman rose in objection, "Why go to all that expense? Venice is a wonderful place and we can breed them right here."

The "Detroit News" reports that it costs $6,167 to rear a girl until she is eighteen and $6,077 to bring up a boy. The difference represents about the cost of four permanent waves.

From "Tid-Bits:"

Frank: "Is it correct to say you 'water the horse' when it is thirsty?"

Mother: "Yes, quite correct."

Frank (picking up a saucer): "I'm going to milk the cat."

Some figures relative to the moving picture trade given out by Will H. Hays:

Number of moving picture theaters, 20,233; number of seats, 10,500,000; value of taxable buildings, $2,000,000,000; permanent employees, 235,000; average weekly attendance (1925), 90,000,000; income from admissions (1925), $1,000,000,000; amount spent on productions (1925), $150,000,000; number of features produced (1925), 823.

"Darling, what in the world is the matter with this lettuce; didn't you wash it?" asked the young husband.

"Of course I did, dear. I even used that good perfumed soap on it."

Chavis Kaye tells us of a young man who sat next to him in a street car—hat in hand. The young man's hair looked as if it had been carefully marcelled, and on his upper lip was the shortest and tiniest of mustaches. His nails shone like mirrors, and his socks and handkerchief had the same gay hues. He held his head high in air, and adjusted with great concern his trousers so that the creases would have the least strain. Inside of the crown of the hat the gold paper initials read C. A. L. F.

Our Cos Cob (Conn.) correspondent notes a steady increase in the size of casks offered for sale at the local hardware store as the grapes grow ripe in season. Two years ago the five-gallon keg alone appeared on sale. The next twelvemonth brought the fifteen-gallon type to the fore. This year the twenty-gallon receptacle rules. Looks like full speed ahead for barrels in 1927. The neighborhood is growing.

One of our friends tells us that he is thinking of running his wife for congresswoman because she is so handy introducing bills into the house.

This may be an old one. We don't know who is responsible for it:

Boarder: "This must certainly be an exceptionally healthy locality for chickens."

Landlady: "What makes you think so?"

Boarder: "I never see any dead ones."

Here are some tongue twisters. Can you say them? Can you send us any others?

"Of all the saws I ever saw, I never saw a saw saw as this saw saws."

"Robert Rowley rolled a round roll round; a round roll Robert Rowley rolled around. Where rolled the round roll Robert Rowley rolled around?"

"Bandy legged Borachio Mustachio Whiskerfucius, the bald but brave Bombardino of Bagdad, helped Abormilique Bluebeard, Bashaw of Babelmandeb, to beat down an abominable bumble of Bashaw."

"I saw Esau kissing Kate;
The fact is, we all three saw;
For I saw Esau, he saw me,
And she saw I saw Esau."

"When a twister a-twisting would twist him a twist,
For twisting a twist three twists he will twist;
But if one of the twists untwists from the twist,
The twist thus untwisting untwisteth the twist."

We know you must be rather tired of Scotch stories, but the following one appeals to us:

A Scotchman and his wife were crossing the English Channel in bad weather. The Scotchman was leaning over the rail and was extremely unhappy. The boat lurched, and he prepared to give up all hope. His wife, though she could not move and could scarcely speak, managed to pass a timely word of caution.

"Jock," she whispered, "pocket your teeth."

A news item from Tiffin, Ohio, states that the civil engineers of the Pennsylvania Railroad moved an old bridge there and replaced it with a two-hundred-ton steel structure in just ten minutes. The new bridge had been assembled near by. As soon as the express train had passed, the old bridge was torn away and the new one slipped into place. Two minutes later the first train passed over the new bridge, carrying on the regular schedule.

"Waiter! Will you kindly bring me two poached eggs, medium soft; buttered toast—cut thin and not too hard; coffee, but not too much cream in it; and would you just warm the platter a bit before putting the eggs on it."

"Yes, madam. And would you like any special design on the dishes?"

From the "New Yorker" we learn that the death of Rudolph Valentino brought a jump in the circulation of one New York paper of 50,000 copies in one day; while that of President Harding brought only about 25,000 to the same paper. Also that the Rhinelander trial proved, as far as sales go, to be the most successful newspaper story of the generation. "All papers gained from 15,000 to 50,000 readers during the trial, who stayed with them throughout the court proceedings—and then disappeared."

Do you know a ten-letter word meaning hold-up?

We won't keep you waiting until next week for the answer. It is "suspenders."

Answer to last week's anagram: "Emits," "times," "smite," "mites," "items," "Times."

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Scientific Facts About Diet

A CONDENSED book on diet entitled "Eating for Health and Efficiency" has been published for *free distribution* by the Health Extension Bureau of Battle Creek, Mich. Contains set of health rules, many of which may be easily followed right at home or while traveling. You will find in this book a wealth of information about food elements and their relation to physical welfare.

This book is for those who wish to keep physically fit and maintain normal weight. Not intended as a guide for chronic invalids as all such cases require the care of a competent physician. Name and address on card will bring it without cost or obligation.

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WANTED—Reliable woman for cooking and housework; family of three; all conveniences; small house in country; permanent position; good home. Answer to P. O. Box 265, Phœnixville, Pa.

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CLUB HOSTESS — Household manager, supervising housekeeper (54), tactful, Lewis trained, hotel experience. References. 7,227, Outlook.

COMPANION-secretary to elderly lady, by clergyman's daughter. Exceptional references. 7,274, Outlook.

COMPETENT refined woman, experienced *in housekeeping and managing servants,* wishes position in private family. Country preferred. 7,260, Outlook.

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GENTLEWOMAN with wide experience, unusual education with travel, would like position as hostess and chaperon in school or companion to elderly lady. 7,267, Outlook.

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MANAGING housekeeper, hostess-manager. Woman exceptionally qualified, experienced, capable assuming full management, large staff of servants, buildings, grounds, etc., desires position high grade institution, club, or home. 7,266, Outlook.

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